

A reviser's bill to be entitled

An act relating to the Florida Statutes; amending ss. 17.076, 20.165, 23.21, 27.51, 28.2222, 39.3035, 43.16, 98.077, 101.051, 101.111, 112.0455, 112.061, 112.31901, 119.071, 119.15, 161.72, 161.74, 163.3180, 163.3184, 163.3187, 201.15, 202.26, 215.965, 216.136, 253.01, 253.03, 253.74, 316.272, 320.0843, 320.27, 322.121, 337.195, 339.2819, 348.9932, 373.036, 373.0361, 373.1961, 373.421, 375.075, 390.01114, 402.7305, 403.813, 404.056, 406.11, 409.165, 409.814, 409.91196, 440.05, 443.121, 445.009, 466.004, 475.713, 475.801, 475.805, 497.458, 497.459, 499.024, 517.12, 553.792, 553.80, 553.842, 553.8425, 556.102, 570.076, 608.4355, 608.4381, 620.1108, 620.1110, 620.1204, 620.1207, 620.1407, 620.2118, 620.2120, 620.2204, 620.8101, 620.8702, 620.8703, 624.501, 624.509, 626.9911, 627.351, 627.3511, 627.6418, 627.6613, 627.711, 627.7295, 633.026, 633.539, 634.021, 634.401, 636.223, 641.31, 658.12, 694.16, 721.13, 732.103, 739.104, 765.101, 774.203, 774.204, 774.205, 774.208, 784.046, 790.25, 872.05, 895.09, 938.29, 943.04353, 948.012, 948.03, 948.061, 948.062, 1008.25, and 1013.30, F.S.; reenacting ss. 267.0619, 339.64, and 397.405, F.S.; and repealing ss. 624.91(3)(d) and 626.8411(2)(d), F.S.; pursuant to s. 11.242, F.S.; deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; improving the

31 clarity of the statutes and facilitating their correct
32 interpretation; confirming the restoration of provisions
33 unintentionally omitted from republication in the acts of
34 the Legislature during the amendatory process; and
35 conforming to the directive of the Legislature in s. 1,
36 ch. 93-199, Laws of Florida, to remove gender-specific
37 references applicable to human beings from the Florida
38 Statutes without substantive change in legal effect;
39 providing an effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Subsection (5) of section 17.076, Florida
44 Statutes, is amended to read:

45 17.076 Direct deposit of funds.--

46 (5) All direct deposit records made prior to October 1,
47 1986, are exempt from the provisions of s. 119.07(1). With
48 respect to direct deposit records made on or after October 1,
49 1986, the names of the authorized financial institutions and the
50 account numbers of the beneficiaries are confidential and exempt
51 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
52 State Constitution. Notwithstanding this exemption and the
53 provisions of s. 119.071(5)(b) ~~119.07(3)(d)~~, the department may
54 provide a state university, upon request, with that university's
55 employee or vendor direct deposit authorization information on
56 file with the department in order to accommodate the transition
57 to the university accounting system. The state university shall
58 maintain the confidentiality of all such information provided by
59 the department.

Reviser's note.--Amended to conform to the redesignation of s. 119.07(3)(dd) as s. 119.07(6)(dd) by s. 7, ch. 2004-335, Laws of Florida, and the further redesignation of s. 119.07(6)(dd) as s. 119.071(5)(b) by s. 25, ch. 2005-251, Laws of Florida.

Section 2. Paragraph (b) of subsection (9) of section 20.165, Florida Statutes, is amended to read:

20.165 Department of Business and Professional Regulation.--There is created a Department of Business and Professional Regulation.

(9)

(b) All employees certified under chapter 943 as law enforcement officers shall have felony arrest powers under s. 901.15(12) ~~901.15(10)~~ and shall have all the powers of deputy sheriffs to:

1. Investigate, enforce, and prosecute, throughout the state, violations and violators of:

a. Parts I and II of chapter 210; part VII of chapter 559; and chapters 561-569; and the rules promulgated thereunder, as well as other state laws which the division, all state law enforcement officers, or beverage enforcement agents are specifically authorized to enforce.

b. All other state laws, provided that the employee exercises the powers of a deputy sheriff, only after consultation and in coordination with the appropriate local sheriff's office, and only if the violation could result in an administrative proceeding against a license or permit issued by the division.

2. Enforce all criminal laws of the state within specified jurisdictions when the division is a party to a written mutual

91 aid agreement with a state agency, sheriff, or municipal police
92 department, or when the division participates in the Florida
93 Mutual Aid Plan during a declared state emergency.

94
95 Reviser's note.--Amended to conform to the current
96 location of referenced material in s. 901.15, relating
97 to felony arrest powers. The reference as added by s.
98 1, ch. 95-346, Laws of Florida, was originally to s.
99 901.15(11). That material has been redesignated several
100 times since and is currently in s. 901.15(12).

101
102 Section 3. Subsection (1) of section 23.21, Florida
103 Statutes, is amended to read:

104 23.21 Definitions.--For purposes of this part:

105 (1) "Department" means a principal administrative unit
106 within the executive branch of state government, as defined in
107 chapter 20, and includes the State Board of Administration, the
108 Executive Office of the Governor, the Fish and Wildlife
109 Conservation Commission, the Parole Commission, the Agency for
110 Health Care Administration, the Board of Regents, the State Board
111 of Community Colleges, the Justice Administrative Commission, the
112 capital collateral regional counsel ~~Representative~~, and separate
113 budget entities placed for administrative purposes within a
114 department.

115
116 Reviser's note.--Amended to conform to the replacement
117 of the capital collateral representative with capital
118 collateral regional counsel in s. 27.701 by s. 1, ch.
119 97-313, Laws of Florida.

121 Section 4. Paragraph (a) of subsection (5) of section
122 27.51, Florida Statutes, is amended to read:

123 27.51 Duties of public defender.--

124 (5)(a) When direct appellate proceedings prosecuted by a
125 public defender on behalf of an accused and challenging a
126 judgment of conviction and sentence of death terminate in an
127 affirmance of such conviction and sentence, whether by the
128 Florida Supreme Court or by the United States Supreme Court or by
129 expiration of any deadline for filing such appeal in a state or
130 federal court, the public defender shall notify the accused of
131 his or her rights pursuant to Rule 3.850, Florida Rules of
132 Criminal Procedure, including any time limits pertinent thereto,
133 and shall advise such person that representation in any
134 collateral proceedings is the responsibility of the capital
135 collateral regional counsel ~~representative~~. The public defender
136 shall then forward all original files on the matter to the
137 capital collateral regional counsel ~~representative~~, retaining
138 such copies for his or her files as may be desired. However, the
139 trial court shall retain the power to appoint the public defender
140 or other attorney not employed by the capital collateral regional
141 counsel ~~representative~~ to represent such person in proceedings
142 for relief by executive clemency pursuant to ss. 27.40 and
143 27.5303.

144
145 Reviser's note.--Amended to conform to the replacement
146 of the capital collateral representative with capital
147 collateral regional counsel in s. 27.701 by s. 1, ch.
148 97-313, Laws of Florida.

149
150 Section 5. Section 28.2222, Florida Statutes, is amended to

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151 read:

152 28.2222 Public records capital improvement plan.--On ~~or~~
153 ~~before December 1, 1995, and on~~ or before December 1 of each year
154 immediately preceding each year in which the Public Records
155 Modernization Trust Fund is scheduled for review under s.
156 19(f)(2), Art. III of the State Constitution, each clerk of the
157 circuit court shall file a 4-year capital improvement plan with
158 the President of the Senate and the Speaker of the House of
159 Representatives. The plan must specify the clerk's goals for
160 modernizing and improving the storage of, and public access to,
161 public records and must state the manner in which moneys from the
162 trust fund will be expended to obtain the stated objectives. The
163 plan must specify the methodology used to determine the projected
164 cost to implement the plan and to determine the projected revenue
165 to meet the cost. ~~The plan due December 1, 1995, must report on~~
166 ~~the period from November 4, 1996, through September 30, 1999.~~
167 Each ~~subsequent~~ capital improvement plan must state the progress
168 made in fulfilling the objectives listed in the previously filed
169 capital improvement plan and must state the manner in which
170 moneys from the trust fund were expended to reach those
171 objectives.

172
173 Reviser's note.--Amended to delete obsolete language
174 relating to an initial public records capital
175 improvement plan that was due December 1, 1995.

176
177 Section 6. Subsection (3) of section 39.3035, Florida
178 Statutes, is amended to read:

179 39.3035 Child advocacy centers; standards; state funding.--

180 (3) A child advocacy center within this state may not

181 receive the funds generated pursuant to s. 938.10 ~~983.10~~, state
182 or federal funds administered by a state agency, or any other
183 funds appropriated by the Legislature unless all of the standards
184 of subsection (1) are met and the screening requirement of
185 subsection (2) is met. The Florida Network of Children's Advocacy
186 Centers, Inc., shall be responsible for tracking and documenting
187 compliance with subsections (1) and (2) for any of the funds it
188 administers to member child advocacy centers.

189
190 Reviser's note.--Amended to correct a reference to
191 nonexistent s. 983.10; s. 938.10 relates to added court
192 costs imposed in certain cases involving crimes against
193 minors.

194
195 Section 7. Paragraph (a) of subsection (5) of section
196 43.16, Florida Statutes, is amended to read:

197 43.16 Justice Administrative Commission; membership, powers
198 and duties.--

199 (5) The duties of the commission shall include, but not be
200 limited to, the following:

201 (a) The maintenance of a central state office for
202 administrative services and assistance when possible to and on
203 behalf of the state attorneys and public defenders of Florida,
204 the ~~office of~~ capital collateral regional counsel ~~representative~~
205 of Florida, and the Guardian Ad Litem Program.

206
207 Reviser's note.--Amended to conform to the replacement
208 of the Office of Capital Collateral Representative with
209 capital collateral regional counsel in s. 27.701 by s.
210 1, ch. 97-313, Laws of Florida.

211
212 Section 8. Subsection (3) of section 98.077, Florida
213 Statutes, is amended to read:

214 98.077 Update of voter signature.--

215 (3) At least once during each general election year, the
216 supervisor shall publish in a newspaper of general circulation or
217 other newspaper in the county deemed appropriate by the
218 supervisor a notice specifying when, where, or how a voter can
219 update his or her signature that is on file and how a voter can
220 obtain a voter registration application from a voter registration
221 official ~~to do so~~.

222
223 Reviser's note.--Amended to confirm the deletion by the
224 editors of the words "to do so" following the word
225 "official" to improve clarity.

226
227 Section 9. Subsection (4) of section 101.051, Florida
228 Statutes, is amended to read:

229 101.051 Electors seeking assistance in casting ballots;
230 oath to be executed; forms to be furnished.--

231 (4) If an elector needs assistance in voting pursuant to
232 the provisions of this section, the clerk or one of the
233 inspectors shall require the elector requesting assistance in
234 voting to take the following oath:

235 DECLARATION TO SECURE ASSISTANCE

236 State of Florida County of ____ Date ____ Precinct ____

237 I, (Print name) , swear or affirm that I am a registered
238 elector and request assistance from (Print names) in voting
239 at the (name of election) held on (date of election) .

240 (Signature of voter ~~assistant~~)

241 Sworn and subscribed to before me this ____ day of ____,
242 (year) .

243 (Signature of Official Administering Oath)

244
245
246 Reviser's note.--Amended to confirm the substitution by
247 the editors of the word "voter" for the word "assistor"
248 to conform to context and correct a coding error.

249
250 Section 10. Subsection (4) of section 101.111, Florida
251 Statutes, is amended to read:

252 101.111 Person desiring to vote may be challenged;
253 challenger to execute oath; oath of person challenged;
254 determination of challenge.--

255 (4) Any elector or poll watcher filing a frivolous
256 challenge of any person's right to vote commits a misdemeanor of
257 the first degree, punishable as provided in s. 775.082, or s.
258 775.083, ~~or s. 775.084~~; however, electors or poll watchers shall
259 not be subject to liability for any action taken in good faith
260 and in furtherance of any activity or duty permitted of such
261 electors or poll watchers by law. Each instance where any elector
262 or poll watcher files a frivolous challenge of any person's right
263 to vote constitutes a separate offense.

264
265 Reviser's note.--Amended to delete an erroneous
266 reference. Section 775.084 does not relate to
267 misdemeanors; it relates to violent career criminals,
268 habitual felony offenders, and habitual violent felony
269 offenders.

271 Section 11. Paragraph (f) of subsection (13) of section
272 112.0455, Florida Statutes, is amended to read:

273 112.0455 Drug-Free Workplace Act.--

274 (13) RULES.--

275 (f) The Justice Administrative Commission may adopt rules
276 on behalf of the state attorneys and public defenders of Florida,
277 the ~~Office of~~ capital collateral regional counsel Representative
278 of Florida, and the Judicial Qualifications Commission.

279
280 This section shall not be construed to eliminate the bargainable
281 rights as provided in the collective bargaining process where
282 applicable.

283
284 Reviser's note.--Amended to conform to the replacement
285 of the Office of Capital Collateral Representative with
286 capital collateral regional counsel in s. 27.701 by s.
287 1, ch. 97-313, Laws of Florida.

288
289 Section 12. Paragraph (d) of subsection (7) of section
290 112.061, Florida Statutes, is amended to read:

291 112.061 Per diem and travel expenses of public officers,
292 employees, and authorized persons.--

293 (7) TRANSPORTATION.--

294 (d)1. The use of privately owned vehicles for official
295 travel in lieu of publicly owned vehicles or common carriers may
296 be authorized by the agency head or his or her designee. Whenever
297 travel is by privately owned vehicle, the traveler shall be
298 entitled to a mileage allowance at a fixed rate of ~~25 cents per~~
299 ~~mile for state fiscal year 1994-1995 and~~ 29 cents per mile
300 ~~thereafter~~ or the common carrier fare for such travel, as

determined by the agency head. Reimbursement for expenditures related to the operation, maintenance, and ownership of a vehicle shall not be allowed when privately owned vehicles are used on public business and reimbursement is made pursuant to this paragraph, except as provided in subsection (8).

2. All mileage shall be shown from point of origin to point of destination and, when possible, shall be computed on the basis of the current map of the Department of Transportation. Vicinity mileage necessary for the conduct of official business is allowable but must be shown as a separate item on the expense voucher.

Reviser's note.--Amended to delete obsolete language relating to a mileage rate for the 1994-1995 fiscal year.

Section 13. Subsection (1) of section 112.31901, Florida Statutes, is amended to read:

112.31901 Investigatory records.--

(1) If certified pursuant to subsection (2), an investigatory record of the Chief Inspector General within the Executive Office of the Governor or of the employee designated by an agency head as the agency inspector general under s. 112.3189 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation ~~registration~~ ceases to be active, or a report detailing the investigation is provided to the Governor or the agency head, or 60 days from the inception of the investigation for which the record was made or received, whichever first occurs. Investigatory records are those records that are related to the investigation of an alleged, specific act

331 or omission or other wrongdoing, with respect to an identifiable
332 person or group of persons, based on information compiled by the
333 Chief Inspector General or by an agency inspector general, as
334 named under the provisions of s. 112.3189, in the course of an
335 investigation. An investigation is active if it is continuing
336 with a reasonable, good faith anticipation of resolution and with
337 reasonable dispatch.

338
339 Reviser's note.--Amended to correct an apparent
340 drafting error and to conform to context.

341
342 Section 14. Paragraph (d) of subsection (4) and paragraph
343 (a) of subsection (5) of section 119.071, Florida Statutes, are
344 amended to read:

345 119.071 General exemptions from inspection or copying of
346 public records.--

347 (4) AGENCY PERSONNEL INFORMATION.--

348 (d)1. The home addresses, telephone numbers, social
349 security numbers, and photographs of active or former law
350 enforcement personnel, including correctional and correctional
351 probation officers, personnel of the Department of Children and
352 Family Services whose duties include the investigation of abuse,
353 neglect, exploitation, fraud, theft, or other criminal
354 activities, personnel of the Department of Health whose duties
355 are to support the investigation of child abuse or neglect, and
356 personnel of the Department of Revenue or local governments whose
357 responsibilities include revenue collection and enforcement or
358 child support enforcement; the home addresses, telephone numbers,
359 social security numbers, photographs, and places of employment of
360 the spouses and children of such personnel; and the names and

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locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1). The home addresses, telephone numbers, and photographs of firefighters certified in compliance with s. 633.35; the home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1). The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from s. 119.07(1). The home addresses, telephone numbers, social security numbers, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2. The home addresses, telephone numbers, social security numbers, and photographs of current or former human resource, labor relations, or employee relations directors, assistant

directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

3. The home addresses, telephone numbers, social security numbers, and photographs of current or former United States attorneys and assistant United States attorneys; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of current or former United States attorneys and assistant United States attorneys; and the names and locations of schools and day care facilities attended by the children of current or former United States attorneys and assistant United States attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2009, unless reviewed and saved from repeal through reenactment by the Legislature.

4. The home addresses, telephone numbers, social security numbers, and photographs of current or former judges of United States Courts of Appeal, United States district judges, and

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United States magistrate judges; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of current or former judges of United States Courts of Appeal, United States district judges, and United States magistrate judges; and the names and locations of schools and day care facilities attended by the children of current or former judges of United States Courts of Appeal, United States district judges, and United States magistrate judges are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2009, unless reviewed and saved from repeal through reenactment by the Legislature.

5. The home addresses, telephone numbers, social security numbers, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

6. The home addresses, telephone numbers, places of employment, and photographs of current or former guardians ad litem, as defined in s. 39.820, and the names, home addresses, telephone numbers, and places of employment of the spouses and children of such persons, are exempt from s. 119.07(1) ~~subsection (1)~~ and s. 24(a), Art. I of the State Constitution, if the

guardian ad litem provides a written statement that the guardian ad litem has made reasonable efforts to protect such information from being accessible through other means available to the public. This subparagraph is subject to the Open Government Sunset Review Act ~~of 1995~~ in accordance with s. 119.15 and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

7. An agency that is the custodian of the personal information specified in subparagraph 1., subparagraph 2., subparagraph 3., subparagraph 4., subparagraph 5., or subparagraph 6. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 1., subparagraph 2., subparagraph 3., subparagraph 4., subparagraph 5., or subparagraph 6. shall maintain the exempt status of the personal information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written request for maintenance of the exemption to the custodial agency.

(5) OTHER PERSONAL INFORMATION.--

(a)1. The Legislature acknowledges that the social security number was never intended to be used for business purposes but was intended to be used solely for the administration of the federal Social Security System. The Legislature is further aware that over time this unique numeric identifier has been used extensively for identity verification purposes and other legitimate consensual purposes. The Legislature is also cognizant of the fact that the social security number can be used as a tool to perpetuate fraud against a person and to acquire sensitive personal, financial, medical, and familial information, the release of which could cause great financial or personal harm to

481 an individual. The Legislature intends to monitor the commercial
482 use of social security numbers held by state agencies in order to
483 maintain a balanced public policy.

484 2. An agency shall not collect an individual's social
485 security number unless authorized by law to do so or unless the
486 collection of the social security number is otherwise imperative
487 for the performance of that agency's duties and responsibilities
488 as prescribed by law. Social security numbers collected by an
489 agency must be relevant to the purpose for which collected and
490 shall not be collected until and unless the need for social
491 security numbers has been clearly documented. An agency that
492 collects social security numbers shall also segregate that number
493 on a separate page from the rest of the record, or as otherwise
494 appropriate, in order that the social security number be more
495 easily redacted, if required, pursuant to a public records
496 request. An agency collecting a person's social security number
497 shall, upon that person's request, at the time of or prior to the
498 actual collection of the social security number by that agency,
499 provide that person with a statement of the purpose or purposes
500 for which the social security number is being collected and used.
501 Social security numbers collected by an agency shall not be used
502 by that agency for any purpose other than the purpose stated.
503 Social security numbers collected by an agency prior to May 13,
504 2002, shall be reviewed for compliance with this subparagraph. If
505 the collection of a social security number prior to May 13, 2002,
506 is found to be unwarranted, the agency shall immediately
507 discontinue the collection of social security numbers for that
508 purpose.

509 3. Effective October 1, 2002, all social security numbers
510 held by an agency are confidential and exempt from s. 119.07(1)

511 and s. 24(a), Art. I of the State Constitution. This exemption
512 applies to all social security numbers held by an agency before,
513 on, or after the effective date of this exemption.

514 4. Social security numbers may be disclosed to another
515 governmental entity or its agents, employees, or contractors if
516 disclosure is necessary for the receiving entity to perform its
517 duties and responsibilities. The receiving governmental entity
518 and its agents, employees, and contractors shall maintain the
519 confidential and exempt status of such numbers.

520 5. An agency shall not deny a commercial entity engaged in
521 the performance of a commercial activity as defined in s. 14.203
522 or its agents, employees, or contractors access to social
523 security numbers, provided the social security numbers will be
524 used only in the normal course of business for legitimate
525 business purposes, and provided the commercial entity makes a
526 written request for social security numbers, verified as provided
527 in s. 92.525, legibly signed by an authorized officer, employee,
528 or agent of the commercial entity. The verified written request
529 must contain the commercial entity's name, business mailing and
530 location addresses, business telephone number, and a statement of
531 the specific purposes for which it needs the social security
532 numbers and how the social security numbers will be used in the
533 normal course of business for legitimate business purposes. The
534 aggregate of these requests shall serve as the basis for the
535 agency report required in subparagraph 8. An agency may request
536 any other information reasonably necessary to verify the identity
537 of the entity requesting the social security numbers and the
538 specific purposes for which such numbers will be used; however,
539 an agency has no duty to inquire beyond the information contained
540 in the verified written request. A legitimate business purpose

541 includes verification of the accuracy of personal information
542 received by a commercial entity in the normal course of its
543 business; use in a civil, criminal, or administrative proceeding;
544 use for insurance purposes; use in law enforcement and
545 investigation of crimes; use in identifying and preventing fraud;
546 use in matching, verifying, or retrieving information; and use in
547 research activities. A legitimate business purpose does not
548 include the display or bulk sale of social security numbers to
549 the general public or the distribution of such numbers to any
550 customer that is not identifiable by the distributor.

551 6. Any person who makes a false representation in order to
552 obtain a social security number pursuant to this paragraph, or
553 any person who willfully and knowingly violates this paragraph,
554 commits a felony of the third degree, punishable as provided in
555 s. 775.082 or s. 775.083. Any public officer who violates this
556 paragraph is guilty of a noncriminal infraction, punishable by a
557 fine not exceeding \$500. A commercial entity that provides access
558 to public records containing social security numbers in
559 accordance with this paragraph is not subject to the penalty
560 provisions of this subparagraph.

561 7.a. On or after October 1, 2002, a person preparing or
562 filing a document to be recorded in the official records by the
563 county recorder as provided for in chapter 28 may not include any
564 person's social security number in that document, unless
565 otherwise expressly required by law. If a social security number
566 is or has been included in a document presented to the county
567 recorder for recording in the official records of the county
568 before, on, or after October 1, 2002, it may be made available as
569 part of the official record available for public inspection and
570 copying.

571 b. Any person, or his or her attorney or legal guardian,
572 has the right to request that a county recorder remove, from an
573 image or copy of an official record placed on a county recorder's
574 publicly available Internet website or a publicly available
575 Internet website used by a county recorder to display public
576 records or otherwise made electronically available to the general
577 public by such recorder, his or her social security number
578 contained in that official record. Such request must be made in
579 writing, legibly signed by the requester and delivered by mail,
580 facsimile, or electronic transmission, or delivered in person, to
581 the county recorder. The request must specify the identification
582 page number that contains the social security number to be
583 redacted. The county recorder has no duty to inquire beyond the
584 written request to verify the identity of a person requesting
585 redaction. A fee shall not be charged for the redaction of a
586 social security number pursuant to such request.

587 c. A county recorder shall immediately and conspicuously
588 post signs throughout his or her offices for public viewing and
589 shall immediately and conspicuously post ~~a notice~~, on any
590 Internet website or remote electronic site made available by the
591 county recorder and used for the ordering or display of official
592 records or images or copies of official records, a notice
593 stating, in substantially similar form, the following:

594 (I) On or after October 1, 2002, any person preparing or
595 filing a document for recordation in the official records may not
596 include a social security number in such document, unless
597 required by law.

598 (II) Any person has a right to request a county recorder to
599 remove, from an image or copy of an official record placed on a
600 county recorder's publicly available Internet website or on a

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publicly available Internet website used by a county recorder to display public records or otherwise made electronically available to the general public, any social security number contained in an official record. Such request must be made in writing and delivered by mail, facsimile, or electronic transmission, or delivered in person, to the county recorder. The request must specify the identification page number that contains the social security number to be redacted. No fee will be charged for the redaction of a social security number pursuant to such a request.

d. Until January 1, 2007, if a social security number, made confidential and exempt pursuant to this paragraph, or a complete bank account, debit, charge, or credit card number made exempt pursuant to paragraph (b) is or has been included in a court file, such number may be included as part of the court record available for public inspection and copying unless redaction is requested by the holder of such number, or by the holder's attorney or legal guardian, in a signed, legibly written request specifying the case name, case number, document heading, and page number. The request must be delivered by mail, facsimile, electronic transmission, or in person to the clerk of the circuit court. The clerk of the circuit court does not have a duty to inquire beyond the written request to verify the identity of a person requesting redaction. A fee may not be charged for the redaction of a social security number or a bank account, debit, charge, or credit card number pursuant to such request.

e. Any person who prepares or files a document to be recorded in the official records by the county recorder as provided in chapter 28 may not include a person's social security number or complete bank account, debit, charge, or credit card number in that document unless otherwise expressly required by

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631 law. Until January 1, 2007, if a social security number or a
632 complete bank account, debit, charge, or credit card number is or
633 has been included in a document presented to the county recorder
634 for recording in the official records of the county, such number
635 may be made available as part of the official record available
636 for public inspection and copying. Any person, or his or her
637 attorney or legal guardian, may request that a county recorder
638 remove from an image or copy of an official record placed on a
639 county recorder's publicly available Internet website, or a
640 publicly available Internet website used by a county recorder to
641 display public records outside the office or otherwise made
642 electronically available outside the county recorder's office to
643 the general public, his or her social security number or complete
644 account, debit, charge, or credit card number contained in that
645 official record. Such request must be legibly written, signed by
646 the requester, and delivered by mail, facsimile, electronic
647 transmission, or in person to the county recorder. The request
648 must specify the identification page number of the document that
649 contains the number to be redacted. The county recorder does not
650 have a duty to inquire beyond the written request to verify the
651 identity of a person requesting redaction. A fee may not be
652 charged for redacting such numbers.

653 f. Subparagraphs 5. 2- and 6. 3- do not apply to the clerks
654 of the court or the county recorder with respect to circuit court
655 records and official records.

656 g. On January 1, 2007, and thereafter, the clerk of the
657 circuit court and the county recorder must keep complete bank
658 account, debit, charge, and credit card numbers exempt as
659 provided for in paragraph (b), and must keep social security
660 numbers confidential and exempt as provided for in subparagraph

3., without any person having to request redaction.

8. Beginning January 31, 2004, and each January 31 thereafter, every agency must file a report with the Secretary of State, the President of the Senate, and the Speaker of the House of Representatives listing the identity of all commercial entities that have requested social security numbers during the preceding calendar year and the specific purpose or purposes stated by each commercial entity regarding its need for social security numbers. If no disclosure requests were made, the agency shall so indicate.

9. Any affected person may petition the circuit court for an order directing compliance with this paragraph.

10. This paragraph does not supersede any other applicable public records exemptions existing prior to May 13, 2002, or created thereafter.

11. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed October 2, 2007, unless reviewed and saved from repeal through reenactment by the Legislature.

Reviser's note.--Paragraph (4)(d) is amended to confirm the substitution by the editors of the cite to s.

119.07(1) for a cite to "subsection (1)" [of s. 119.07] to conform to the transfer of s. 119.07(6)(i) to s.

119.071(4)(d) by s. 23, ch. 2005-251, Laws of Florida.

The paragraph is also amended to confirm a substitution by the editors of a cite to the Open Government Sunset Review Act for a reference to the Open Government

Sunset Review Act of 1995; the short title was revised

by s. 37, ch. 2005-251. Paragraph (5)(a) was amended to

confirm the deletion by the editors of the words "a notice" following the word "post" to eliminate redundancy. Paragraph (5)(a) was also amended to correct a cross-reference; material referenced, formerly at s. 119.0721(3) and (4), was relocated to s. 119.071(5)(a)5. and 6., not s. 119.071(5)(a)2. and 3.

Section 15. Paragraph (a) of subsection (4) of section 119.15, Florida Statutes, is amended to read:

119.15 Legislative review of exemptions from public meeting and public records requirements.--

(4)(a) A law that enacts a new exemption or substantially amends an existing exemption must state that the record or meeting is:

1. Exempt from s. 24 ~~24(a)~~, Art. I of the State Constitution;

2. Exempt from s. 119.07(1) or s. 286.011; and

3. Repealed at the end of 5 years and that the exemption must be reviewed by the Legislature before the scheduled repeal date.

Reviser's note.--Amended to correct an apparent error and conform to the reference to s. 24, Art. I of the State Constitution in subsection (2). Paragraph (4)(a) references exemptions from records or meetings; records are covered in s. 24(a), Art. I; meetings are covered in s. 24(b), Art. I.

Section 16. Subsection (2) of section 161.72, Florida Statutes, is amended to read:

721 161.72 Findings and intent.--

722 (2) It is the intent of the Legislature to create the
723 Oceans and Coastal ~~Resources~~ Council to assist the state in
724 identifying new management strategies to achieve the goal of
725 maximizing the protection and conservation of ocean and coastal
726 resources while recognizing their economic benefits.

727
728 Reviser's note.--Amended to confirm the deletion by the
729 editors of the word "Resources" from a reference to the
730 Oceans and Coastal Resources Council to conform to the
731 name of the Oceans and Coastal Council as referenced in
732 s. 161.71(2), which defines the council, and in s.
733 161.73, which provides for creation of the council.

734
735 Section 17. Paragraph (n) of subsection (2) of section
736 161.74, Florida Statutes, is amended to read:

737 161.74 Responsibilities.--

738 (2) RESEARCH PLAN.--The council must complete a Florida
739 Oceans and Coastal Scientific Research Plan which shall be used
740 by the Legislature in making funding decisions. The plan must
741 recommend priorities for scientific research projects. The plan
742 must be submitted to the President of the Senate and the Speaker
743 of the House of Representatives by January 15, 2006. Thereafter,
744 annual updates to the plan must be submitted to the President of
745 the Senate and the Speaker of the House of Representatives by
746 February 1 of each year. The research projects contained in the
747 plan must meet at least one of the following objectives:

748 (n) Developing a statewide analysis of the economic value
749 associated with ocean and coastal resources, developing economic
750 baseline data, methodologies, and consistent measures of oceans

751 and coastal resource economic activity and value, and developing
752 reports that educate Floridians, the United States Commission on
753 ~~National Ocean Policy Commission~~, local, state, and federal
754 agencies and others on the importance of ocean and coastal
755 resources.

756
757 Reviser's note.--Amended to confirm the substitution by
758 the editors of a reference to the United States
759 Commission on Ocean Policy for a reference to the
760 National Ocean Policy Commission to conform to the
761 official name of the commission.

762
763 Section 18. Paragraph (b) of subsection (16) of section
764 163.3180, Florida Statutes, is amended to read:

765 163.3180 Concurrency.--

766 (16) It is the intent of the Legislature to provide a
767 method by which the impacts of development on transportation
768 facilities can be mitigated by the cooperative efforts of the
769 public and private sectors. The methodology used to calculate
770 proportionate fair-share mitigation under this section shall be
771 as provided for in subsection (12).

772 (b)1. In its transportation concurrency management system,
773 a local government shall, by December 1, 2006, include
774 methodologies that will be applied to calculate proportionate
775 fair-share mitigation. A developer may choose to satisfy all
776 transportation concurrency requirements by contributing or paying
777 proportionate fair-share mitigation if transportation facilities
778 or facility segments identified as mitigation for traffic impacts
779 are specifically identified for funding in the 5-year schedule of
780 capital improvements in the capital improvements element of the

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781 local plan or the long-term concurrency management system or if
782 such contributions or payments to such facilities or segments are
783 reflected in the 5-year schedule of capital improvements in the
784 next regularly scheduled update of the capital improvements
785 element. Updates to the 5-year capital improvements element which
786 reflect proportionate fair-share contributions may not be found
787 not in compliance based on ss. 163.3164(32) ~~163.164(32)~~ and
788 163.3177(3) if additional contributions, payments or funding
789 sources are reasonably anticipated during a period not to exceed
790 10 years to fully mitigate impacts on the transportation
791 facilities.

792 2. Proportionate fair-share mitigation shall be applied as
793 a credit against impact fees to the extent that all or a portion
794 of the proportionate fair-share mitigation is used to address the
795 same capital infrastructure improvements contemplated by the
796 local government's impact fee ordinance.

797
798 Reviser's note.--Amended to correct a reference to
799 nonexistent s. 163.164(32); s. 163.3164(32), relating
800 to financial feasibility, conforms to context.

801
802 Section 19. Paragraph (b) of subsection (1) and subsections
803 (4) and (17) of section 163.3184, Florida Statutes, are amended
804 to read:

805 163.3184 Process for adoption of comprehensive plan or plan
806 amendment.--

807 (1) DEFINITIONS.--As used in this section, the term:

808 (b) "In compliance" means consistent with the requirements
809 of ss. 163.3177, ~~163.31776~~, when a local government adopts an
810 educational facilities element, 163.3178, 163.3180, 163.3191, and

163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent with this part and with the principles for guiding development in designated areas of critical state concern and with part III of chapter 369, where applicable.

(4) INTERGOVERNMENTAL REVIEW.--The governmental agencies specified in paragraph (3)(a) shall provide comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment. If the plan or plan amendment includes or relates to the public school facilities element pursuant to s. 163.3177(12) ~~163.31776~~, the state land planning agency shall submit a copy to the Office of Educational Facilities of the Commissioner of Education for review and comment. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 30 days after receipt by the state land planning agency of the complete proposed plan amendment and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the proposed plan amendment. Written comments submitted by the public within 30 days after notice of transmittal by the local government of the proposed plan amendment will be considered as if submitted by governmental agencies. All written agency and public comments must be made part of the file maintained under subsection (2).

(17) A local government that has adopted a community vision and urban service boundary under s. 163.3177(13) and (14) ~~163.31773(13) and (14)~~ may adopt a plan amendment related to map amendments solely to property within an urban service boundary in

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the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

Reviser's note.--Paragraph (1)(b) and subsection (4) are amended to conform to the repeal of s. 163.31776 by s. 3, ch. 2005-290, Laws of Florida, and the placement of material relating to a public school facilities element in s. 163.3177(12). Subsection (17) is amended to correct a reference to nonexistent s. 163.31773(13) and (14); s. 163.3177(13) and (14) relate to community vision and urban service boundaries, respectively.

Section 20. Paragraph (1) of subsection (1) of section 163.3187, Florida Statutes, is amended to read:

163.3187 Amendment of adopted comprehensive plan.--

(1) Amendments to comprehensive plans adopted pursuant to

871 this part may be made not more than two times during any calendar
872 year, except:

873 (1) A comprehensive plan amendment to adopt a public
874 educational facilities element pursuant to s. 163.3177(12)
875 ~~163.31776~~ and future land-use-map amendments for school siting
876 may be approved notwithstanding statutory limits on the frequency
877 of adopting plan amendments.

878
879 Reviser's note.--Amended to conform to the repeal of s.
880 163.31776 by s. 3, ch. 2005-290, Laws of Florida, and
881 the placement of material relating to a public school
882 facilities element in s. 163.3177(12).

883
884 Section 21. Subsection (13) of section 201.15, Florida
885 Statutes, is amended to read:

886 201.15 Distribution of taxes collected.--All taxes
887 collected under this chapter shall be distributed as follows and
888 shall be subject to the service charge imposed in s. 215.20(1),
889 except that such service charge shall not be levied against any
890 portion of taxes pledged to debt service on bonds to the extent
891 that the amount of the service charge is required to pay any
892 amounts relating to the bonds:

893 (13) The distribution of proceeds deposited into the Water
894 Management Lands Trust Fund and the Conservation and Recreation
895 Lands Trust Fund, pursuant to subsections (4) and (5), shall not
896 be used for land acquisition, but may be used for preacquisition
897 costs associated with land purchases. The Legislature intends
898 that the Florida Forever program supplant the acquisition
899 programs formerly authorized under ss. 259.032 and 373.59. ~~Prior~~
900 ~~to the 2005 Regular Session of the Legislature, the Acquisition~~

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901 ~~and Restoration Council shall review and make recommendations to~~
902 ~~the Legislature concerning the need to repeal this provision.~~
903 ~~Based on these recommendations, the Legislature shall review the~~
904 ~~need to repeal this provision during the 2005 Regular Session.~~

905
906 Reviser's note.--Amended to delete obsolete language
907 relating to recommendations and a review to be
908 completed in 2005.

909
910 Section 22. Effective July 1, 2007, subsections (10) and
911 (13) of section 201.15, Florida Statutes, as amended by section 1
912 of chapter 2005-92, Laws of Florida, are amended to read:

913 201.15 Distribution of taxes collected.--All taxes
914 collected under this chapter shall be distributed as follows and
915 shall be subject to the service charge imposed in s. 215.20(1),
916 except that such service charge shall not be levied against any
917 portion of taxes pledged to debt service on bonds to the extent
918 that the amount of the service charge is required to pay any
919 amounts relating to the bonds:

920 (10) The lesser ~~lessor~~ of eight and sixty-six hundredths
921 percent of the remaining taxes collected under this chapter or
922 \$136 million in each fiscal year shall be paid into the State
923 Treasury to the credit of the State Housing Trust Fund and shall
924 be used as follows:

925 (a) Twelve and one-half percent of that amount shall be
926 deposited into the State Housing Trust Fund and be expended by
927 the Department of Community Affairs and by the Florida Housing
928 Finance Corporation for the purposes for which the State Housing
929 Trust Fund was created and exists by law.

930 (b) Eighty-seven and one-half percent of that amount shall

931 be distributed to the Local Government Housing Trust Fund and
932 shall be used for the purposes for which the Local Government
933 Housing Trust Fund was created and exists by law. Funds from this
934 category may also be used to provide for state and local services
935 to assist the homeless.

936 (13) The distribution of proceeds deposited into the Water
937 Management Lands Trust Fund and the Conservation and Recreation
938 Lands Trust Fund, pursuant to subsections (4) and (5), shall not
939 be used for land acquisition, but may be used for preacquisition
940 costs associated with land purchases. The Legislature intends
941 that the Florida Forever program supplant the acquisition
942 programs formerly authorized under ss. 259.032 and 373.59. ~~Prior~~
943 ~~to the 2005 Regular Session of the Legislature, the Acquisition~~
944 ~~and Restoration Council shall review and make recommendations to~~
945 ~~the Legislature concerning the need to repeal this provision.~~
946 ~~Based on these recommendations, the Legislature shall review the~~
947 ~~need to repeal this provision during the 2005 Regular Session.~~

948
949 Reviser's note.--Subsection (10) is amended to confirm
950 the substitution by the editors of the word "lesser"
951 for the word "lessor" to conform to context. Subsection
952 (13) is amended to delete obsolete language relating to
953 recommendations and a review to be completed in 2005.

954
955 Section 23. Paragraph (j) of subsection (3) of section
956 202.26, Florida Statutes, is amended to read:

957 202.26 Department powers.--

958 (3) To administer the tax imposed by this chapter, the
959 department may adopt rules relating to:

960 (j) The types of books and records kept in the regular

961 course of business which must be available during an audit of a
962 dealer's books and records when the dealer has made an allocation
963 or attribution pursuant to the definition of sales prices in s.
964 202.11(13)(b)8. ~~202.11(14)(b)8.~~ and examples of methods for
965 determining the reasonableness thereof. Books and records kept in
966 the regular course of business include, but are not limited to,
967 general ledgers, price lists, cost records, customer billings,
968 billing system reports, tariffs, and other regulatory filings and
969 rules of regulatory authorities. Such records may be required to
970 be made available to the department in an electronic format when
971 so kept by the dealer. The dealer may support the allocation of
972 charges with books and records kept in the regular course of
973 business covering the dealer's entire service area, including
974 territories outside this state. During an audit, the department
975 may reasonably require production of any additional books and
976 records found necessary to assist in its determination.

977
978 Reviser's note.--Amended to correct a reference and
979 conform to context. Section 202.11(14) was redesignated
980 as s. 202.11(13) by s. 1, ch. 2005-187, Laws of
981 Florida.

982
983 Section 24. Section 215.965, Florida Statutes, is amended
984 to read:

985 215.965 Disbursement of state moneys.--Except as provided
986 in s. 17.076, s. 253.025(14), s. 259.041(18), s. 717.124(4)(b)
987 and (c) 717.124(5), s. 732.107(5), or s. 733.816(5), all moneys
988 in the State Treasury shall be disbursed by state warrant, drawn
989 by the Chief Financial Officer upon the State Treasury and
990 payable to the ultimate beneficiary. This authorization shall

991 include electronic disbursement.

992
993 Reviser's note.--Amended to conform to the
994 redesignation of s. 717.124(5) as s. 717.124(4)(b) and
995 (c) by s. 121, ch. 2004-390, Laws of Florida.

996
997 Section 25. Paragraph (a) of subsection (5) of section
998 216.136, Florida Statutes, is amended to read:

999 216.136 Consensus estimating conferences; duties and
1000 principals.--

1001 (5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.--

1002 (a) Duties.--The Criminal Justice Estimating Conference
1003 shall:

1004 1. Develop such official information relating to the
1005 criminal justice system, including forecasts of prison admissions
1006 and population and of supervised felony offender admissions and
1007 population, as the conference determines is needed for the state
1008 planning and budgeting system.

1009 2. Develop such official information relating to the number
1010 of eligible discharges and the projected number of civil
1011 commitments for determining space needs pursuant to the civil
1012 proceedings provided under part V of chapter 394.

1013 3. Develop official information relating to the number of
1014 sexual offenders and sexual predators who are required by law to
1015 be placed on community control, probation, or conditional release
1016 who are subject to electronic monitoring. In addition, the Office
1017 of Economic and Demographic Research shall study the factors
1018 relating to the sentencing of sex offenders from the point of
1019 arrest through the imposition of sanctions by the sentencing
1020 court, including original charges, plea negotiations, trial

dispositions, and sanctions. The Department of Corrections, the Office of the State Courts Administrator, the Florida Department of Law Enforcement, and the state attorneys shall provide information deemed necessary for the study. The final report shall be provided to the President of the Senate and the Speaker of the House of Representatives by March 1, 2006.

Reviser's note.--Amended to confirm the insertion by the editors of the words "of Representatives" following the word "House" to conform to the complete name of the legislative body.

Section 26. Paragraph (c) of subsection (1) of section 253.01, Florida Statutes, is amended to read:

253.01 Internal Improvement Trust Fund established.--
(1)

(c) Notwithstanding any provisions of law to the contrary, if title to any state-owned lands is vested in the Board of Trustees of the Internal Improvement Trust Fund and the lands are located within the Everglades Agricultural Area, then all proceeds from the sale of any such lands shall be deposited into the Internal Improvement Trust Fund. The provisions of this paragraph shall not apply to those lands acquired pursuant to s. ~~ss.~~ 607.0505, and former s. 620.192, or chapter 895.

Reviser's note.--Amended to clarify the status of referenced s. 620.192, which was repealed by s. 25, ch. 2005-267, Laws of Florida.

Section 27. Subsection (12) of section 253.03, Florida

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Statutes, is amended to read:

253.03 Board of trustees to administer state lands; lands enumerated.--

(12) The Board of Trustees of the Internal Improvement Trust Fund is hereby authorized to administer, manage, control, conserve, protect, and sell all real property forfeited to the state pursuant to ss. 895.01-895.09 or acquired by the state pursuant to s. 607.0505 or former s. 620.192. The board is directed to immediately determine the value of all such property and shall ascertain whether the property is in any way encumbered. If the board determines that it is in the best interest of the state to do so, funds from the Internal Improvement Trust Fund may be used to satisfy any such encumbrances. If forfeited property receipts are not sufficient to satisfy encumbrances on the property and expenses permitted under this section, funds from the Land Acquisition Trust Fund may be used to satisfy any such encumbrances and expenses. All property acquired by the board pursuant to s. 607.0505, former s. 620.192, or ss. 895.01-895.09 shall be sold as soon as commercially feasible unless the Attorney General recommends and the board determines that retention of the property in public ownership would effectuate one or more of the following policies of statewide significance: protection or enhancement of floodplains, marshes, estuaries, lakes, rivers, wilderness areas, wildlife areas, wildlife habitat, or other environmentally sensitive natural areas or ecosystems; or preservation of significant archaeological or historical sites identified by the Secretary of State. In such event the property shall remain in the ownership of the board, to be controlled, managed, and disposed of in accordance with this chapter, and the Internal

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1081 Improvement Trust Fund shall be reimbursed from the Land
1082 Acquisition Trust Fund, or other appropriate fund designated by
1083 the board, for any funds expended from the Internal Improvement
1084 Trust Fund pursuant to this subsection in regard to such
1085 property. Upon the recommendation of the Attorney General, the
1086 board may reimburse the investigative agency for its
1087 investigative expenses, costs, and attorneys' fees, and may
1088 reimburse law enforcement agencies for actual expenses incurred
1089 in conducting investigations leading to the forfeiture of such
1090 property from funds deposited in the Internal Improvement Trust
1091 Fund of the Department of Environmental Protection. The proceeds
1092 of the sale of property acquired under s. 607.0505, former s.
1093 620.192, or ss. 895.01-895.09 shall be distributed as follows:

1094 (a) After satisfaction of any valid claims arising under
1095 the provisions of s. 895.09(1)(a) or (b), any moneys used to
1096 satisfy encumbrances and expended as costs of administration,
1097 appraisal, management, conservation, protection, sale, and real
1098 estate sales services and any interest earnings lost to the Land
1099 Acquisition Trust Fund as of a date certified by the Department
1100 of Environmental Protection shall be replaced first in the Land
1101 Acquisition Trust Fund, if those funds were used, and then in the
1102 Internal Improvement Trust Fund; and

1103 (b) The remainder shall be distributed as set forth in s.
1104 895.09.

1105
1106 Reviser's note.--Amended to clarify the status of
1107 referenced s. 620.192, which was repealed by s. 25, ch.
1108 2005-267, Laws of Florida.

1109
1110 Section 28. Subsection (1) of section 253.74, Florida

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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Statutes, is amended to read:

253.74 Penalties.--

(1) Any person who conducts aquaculture activities in excess of those authorized by the board or who conducts such activities on state-owned submerged lands without having previously obtained an authorization from the board commits a misdemeanor and shall be subject to imprisonment for not more than 6 months or fine of not more than \$1,000, or both. In addition to such fine and imprisonment, all works, improvements, and animal and plant life involved in the project, may be forfeited to the state.

Reviser's note.--Amended to improve clarity.

Section 29. Section 267.0619, Florida Statutes, is reenacted to read:

267.0619 Historical Museum Grants.--The division may conduct a program to provide:

(1)(a) Grants from the Historical Resources Operating Trust Fund, including matching grants, to a department or agency of the state; a unit of county, municipal, or other local government; or a public or private profit or nonprofit corporation, partnership, or other organization to assist in the development of public educational exhibits relating to the historical resources of Florida; and

(b) Grants from the Historical Resources Operating Trust Fund to Florida history museums that are not state-operated to assist such museums in paying for operating costs.

(2) In order to be eligible to receive a grant from the trust fund to assist in paying operating costs, a Florida history

1141 museum must fulfill the following criteria:

1142 (a) The mission of the museum must relate directly and
1143 primarily to the history of Florida. If the museum has more than
1144 one mission, the museum is eligible to receive a grant for that
1145 portion of the operating costs which is reasonably attributable
1146 to its mission relating to the history of Florida;

1147 (b) The museum must have been operating and open to the
1148 public for at least 180 days each year during the 2-year period
1149 immediately preceding the date upon which the museum applies for
1150 the grant;

1151 (c) The museum must be open and providing museum services
1152 to the public for at least 180 days each year; and

1153 (d) The museum must currently employ, and must have
1154 employed during the 2-year period immediately preceding the date
1155 upon which the museum applies for the grant, at least one full-
1156 time staff member or the equivalent thereof whose primary
1157 responsibility is to acquire, maintain, and exhibit to the public
1158 objects that are owned by, or are on loan to, the museum.

1159 (3) An application for a grant must be made to the division
1160 on a form provided by the division. The division shall adopt
1161 rules prescribing categories of grants, application requirements,
1162 criteria and procedures for the review and evaluation of
1163 applications, and other procedures necessary for the
1164 administration of the program, subject to the requirements of
1165 this section. Grant review panels appointed by the Secretary of
1166 State and chaired by a member of the Florida Historical
1167 Commission or a designee appointed by the commission's presiding
1168 officer shall review each application for a museum grant-in-aid.
1169 The review panel shall submit to the Secretary of State for
1170 approval lists of all applications that are recommended by the

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1171 panel for the award of grants, arranged in order of priority. The
1172 division may award a grant to a Florida history museum only if
1173 the award has been approved by the Secretary of State.

1174 (4) Money received as an appropriation or contribution to
1175 the grants program must be deposited into the Historical
1176 Resources Operating Trust Fund. Money appropriated from general
1177 revenue to the trust fund for the program may not be granted to a
1178 private for-profit museum. Money appropriated from any source to
1179 the trust fund for the program may not be granted to pay the cost
1180 of locating, identifying, evaluating, acquiring, preserving,
1181 protecting, restoring, rehabilitating, stabilizing, or excavating
1182 an archaeological or historic site or a historic building or the
1183 planning of any of those activities.

1184 (5) The division may grant moneys quarterly from the
1185 Historical Resources Operating Trust Fund to history museums in
1186 advance of an exhibit or program for which the moneys are
1187 granted.

1188
1189 Reviser's note.--Section 16, ch. 2005-207, Laws of
1190 Florida, amended subsection (3) without publishing the
1191 introductory paragraph to the section. Absent
1192 affirmative evidence of legislative intent to repeal
1193 the introductory language, it is reenacted here to
1194 confirm that the omission was not intended.

1195
1196 Section 30. Subsection (1) of section 316.272, Florida
1197 Statutes, is amended to read:

1198 316.272 Exhaust systems, prevention of noise.--

1199 (1) Every motor vehicle shall at all times be equipped with
1200 an exhaust system in good working order and in constant

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operation, including muffler, manifold pipe, and tailpiping to prevent excessive or unusual noise. In no event shall an exhaust system allow noise at a level which exceeds a maximum decibel level to be established by regulation of the Department of Environmental Protection as provided in s. 403.061(11) ~~403.061(13)~~ in cooperation with the Department of Highway Safety and Motor Vehicles. No person shall use a muffler cutout, bypass or similar device upon a vehicle on a highway.

Reviser's note.--Amended to conform to the current location within s. 403.061 of material relating to noise pollution; s. 14, ch. 78-95, Laws of Florida, deleted then-existing subsections (8) and (9), and subsection (13) became subsection (11).

Section 31. Subsection (1) of section 320.0843, Florida Statutes, is amended to read:

320.0843 License plates for persons with disabilities eligible for permanent disabled parking permits.--

(1) Any owner or lessee of a motor vehicle who resides in this state and qualifies for a disabled parking permit under s. 320.0848(2), upon application to the department and payment of the license tax for a motor vehicle registered under s. 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b), (6)(a), or (9)(c) or (d), shall be issued a license plate as provided by s. 320.06 which, in lieu of the serial number prescribed by s. 320.06, shall be stamped with the international wheelchair user symbol after the serial number of the license plate. The license plate entitles the person to all privileges afforded by a parking permit issued under s. 320.0848. When more than ~~that~~ one

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

registrant is listed on the registration issued under this section, the eligible applicant shall be noted on the registration certificate.

Reviser's note.--Amended to confirm the substitution by the editors of the word "than" for the word "that" to conform to context.

Section 32. Paragraph (b) of subsection (9) of section 320.27, Florida Statutes, is amended to read:

320.27 Motor vehicle dealers.--

(9) DENIAL, SUSPENSION, OR REVOCATION.--

(b) The department may deny, suspend, or revoke any license issued hereunder or under the provisions of s. 320.77 or s. 320.771 upon proof that a licensee has committed, with sufficient frequency so as to establish a pattern of wrongdoing on the part of a licensee, violations of one or more of the following activities:

1. Representation that a demonstrator is a new motor vehicle, or the attempt to sell or the sale of a demonstrator as a new motor vehicle without written notice to the purchaser that the vehicle is a demonstrator. For the purposes of this section, a "demonstrator," a "new motor vehicle," and a "used motor vehicle" shall be defined as under s. 320.60.

2. Unjustifiable refusal to comply with a licensee's responsibility under the terms of the new motor vehicle warranty issued by its respective manufacturer, distributor, or importer. However, if such refusal is at the direction of the manufacturer, distributor, or importer, such refusal shall not be a ground under this section.

1261 3. Misrepresentation or false, deceptive, or misleading
1262 statements with regard to the sale or financing of motor vehicles
1263 which any motor vehicle dealer has, or causes to have,
1264 advertised, printed, displayed, published, distributed,
1265 broadcast, televised, or made in any manner with regard to the
1266 sale or financing of motor vehicles.

1267 4. Failure by any motor vehicle dealer to provide a
1268 customer or purchaser with an odometer disclosure statement and a
1269 copy of any bona fide written, executed sales contract or
1270 agreement of purchase connected with the purchase of the motor
1271 vehicle purchased by the customer or purchaser.

1272 5. Failure of any motor vehicle dealer to comply with the
1273 terms of any bona fide written, executed agreement, pursuant to
1274 the sale of a motor vehicle.

1275 6. Failure to apply for transfer of a title as prescribed
1276 in s. 319.23(6).

1277 7. Use of the dealer license identification number by any
1278 person other than the licensed dealer or his or her designee.

1279 8. Failure to continually meet the requirements of the
1280 licensure law.

1281 9. Representation to a customer or any advertisement to the
1282 public representing or suggesting that a motor vehicle is a new
1283 motor vehicle if such vehicle lawfully cannot be titled in the
1284 name of the customer or other member of the public by the seller
1285 using a manufacturer's statement of origin as permitted in s.
1286 319.23(1).

1287 10. Requirement by any motor vehicle dealer that a customer
1288 or purchaser accept equipment on his or her motor vehicle which
1289 was not ordered by the customer or purchaser.

1290 11. Requirement by any motor vehicle dealer that any

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customer or purchaser finance a motor vehicle with a specific financial institution or company.

12. Requirement by any motor vehicle dealer that the purchaser of a motor vehicle contract with the dealer for physical damage insurance.

13. Perpetration of a fraud upon any person as a result of dealing in motor vehicles, including, without limitation, the misrepresentation to any person by the licensee of the licensee's relationship to any manufacturer, importer, or distributor.

14. Violation of any of the provisions of s. 319.35 by any motor vehicle dealer.

15. Sale by a motor vehicle dealer of a vehicle offered in trade by a customer prior to consummation of the sale, exchange, or transfer of a newly acquired vehicle to the customer, unless the customer provides written authorization for the sale of the trade-in vehicle prior to delivery of the newly acquired vehicle.

16. Willful failure to comply with any administrative rule adopted by the department or the provisions of s. 320.131(8).

17. Violation of chapter 319, this chapter, or ss. 559.901-559.9221, which has to do with dealing in or repairing motor vehicles or mobile homes. Additionally, in the case of used motor vehicles, the willful violation of the federal law and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the consumer sales window form.

18. Failure to maintain evidence of notification to the owner or coowner of a vehicle regarding registration or titling fees owed ~~owned~~ as required in s. 320.02(17) ~~320.02(19)~~.

Reviser's note.--Amended to conform to the redesignation of s. 320.02(19) as created by s. 14, ch.

2005-164, Laws of Florida, as s. 320.02(17) by the reviser as a result of the redesignation of existing s. 320.02(17) and (18) as a portion of s. 320.02(16) by s. 1, ch. 2005-254, Laws of Florida. The word "owed" was substituted for the word "owned" to conform to context.

Section 33. Subsection (8) of section 322.121, Florida Statutes, is amended to read:

322.121 Periodic reexamination of all drivers.--

(8) In addition to any other examination authorized by this section, an applicant for a renewal of an endorsement issued under s. 322.57(1)(a), (b), ~~(c)~~, (d), ~~or~~ (e), or (f) may be required to complete successfully an examination of his or her knowledge regarding state and federal rules, regulations, and laws, governing the type of vehicle which he or she is seeking an endorsement to operate.

Reviser's note.--Amended to conform to the redesignation of s. 322.57(1)(c), (d), and (e) as s. 322.57(1)(d), (e), and (f) by s. 90, ch. 2005-164, Laws of Florida.

Section 34. Subsection (3) of section 337.195, Florida Statutes, is amended to read:

337.195 Limits on liability.--

(3) In all cases involving personal injury, property damage, or death, a person or entity who contracts to prepare or provide engineering plans for the construction or repair of a highway, road, street, bridge, or other transportation facility for the Department of Transportation shall be presumed to have

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1351 prepared such engineering plans using the degree of care and
1352 skill ordinarily exercised by other engineers in the field under
1353 similar conditions and in similar localities and with due regard
1354 for acceptable engineering standards and principles if the
1355 engineering plans conformed to the Department of Transportation's
1356 design standards material to the condition or defect that was the
1357 proximate cause of the personal ~~person~~ injury, property damage,
1358 or death. This presumption can be overcome only upon a showing of
1359 the person's or entity's gross negligence in the preparation of
1360 the engineering plans and shall not be interpreted or construed
1361 to alter or affect any claim of the Department of Transportation
1362 against such person or entity. The limitation on liability
1363 contained in this subsection shall not apply to any hidden or
1364 undiscoverable condition created by the engineer. This subsection
1365 does not affect any claim of any entity against such engineer or
1366 engineering firm, which claim is associated with such entity's
1367 facilities on or in Department of Transportation roads or other
1368 transportation facilities.

1369
1370 Reviser's note.--Amended to confirm the substitution by
1371 the editors of the word "personal" for the word
1372 "person" to conform to context.

1373
1374 Section 35. Paragraph (a) of subsection (4) of section
1375 339.2819, Florida Statutes, is amended to read:

1376 339.2819 Transportation Regional Incentive Program.--

1377 (4)(a) Projects to be funded with Transportation Regional
1378 Incentive Program funds shall, at a minimum:

1379 1. Support those transportation facilities that serve
1380 national, statewide, or regional functions and function as an

integrated regional transportation system.

2. Be identified in the capital improvements element of a comprehensive plan that has been determined to be in compliance with part II of chapter 163, after July 1, 2005, or to implement a long-term concurrency management system adopted by a local government in accordance with s. 163.3180(9) ~~163.3177(9)~~.

Further, the project shall be in compliance with local government comprehensive plan policies relative to corridor management.

3. Be consistent with the Strategic Intermodal System Plan developed under s. 339.64.

4. Have a commitment for local, regional, or private financial matching funds as a percentage of the overall project cost.

Reviser's note.--Amended to substitute a reference to s. 163.3180(9), relating to long-term transportation and school community management systems, for a reference to s. 163.3177(9), relating to rule adoption of minimum criteria for review and determination of compliance of local government plan elements to conform to context.

Section 36. Subsection (2) of section 339.64, Florida Statutes, is reenacted to read:

339.64 Strategic Intermodal System Plan.--

(2) In association with the continued development of the Strategic Intermodal System Plan, the Florida Transportation Commission, as part of its work program review process, shall conduct an annual assessment of the progress that the department and its transportation partners have made in realizing the goals

1411 of economic development, improved mobility, and increased
1412 intermodal connectivity of the Strategic Intermodal System. The
1413 Florida Transportation Commission shall coordinate with the
1414 department, the Statewide Intermodal Transportation Advisory
1415 Council, and other appropriate entities when developing this
1416 assessment. The Florida Transportation Commission shall deliver a
1417 report to the Governor and Legislature no later than 14 days
1418 after the regular session begins, with recommendations as
1419 necessary to fully implement the Strategic Intermodal System.

1420
1421 Reviser's note.--Reenacted to confirm the continued
1422 existence of subsection (2), which was repealed by s.
1423 37, ch. 2005-2, Laws of Florida, a reviser's bill,
1424 because it related to obsolete reporting requirements.
1425 Those requirements were revised and updated by s. 7,
1426 ch. 2005-281, Laws of Florida.

1427
1428 Section 37. Paragraph (a) of subsection (2) of section
1429 348.9932, Florida Statutes, is amended to read:

1430 348.9932 Southwest Florida Expressway Authority.--

1431 (2) The governing body of the authority shall consist of
1432 seven voting members and one nonvoting member, as set forth in
1433 this subsection.

1434 (a)1.

1435 a. One member who is a permanent resident of Collier County
1436 and one member who is a permanent resident of Lee County shall be
1437 appointed by the Governor to serve a term of 4 years each. The
1438 Governor shall select his or her appointees from a list submitted
1439 by the board of county commissioners of each county, with each
1440 list recommending five candidates from their respective county.

b. One member who is a permanent resident of Collier County shall be appointed by the Board of County Commissioners of Collier County and one member who is a permanent resident of Lee County shall be appointed by the Board of County Commissioners of Lee County to serve a term of 4 years each.

2. Each member appointed under this paragraph shall be a person of outstanding reputation for integrity, responsibility, and business ability and shall have an interest in ground transportation. No elected official and no person who is an employee, in any capacity, of Collier County or Lee County or of any city within Collier County or Lee County shall be an appointed member of the authority except as set forth in this section.

3. Each appointed member shall be a resident of his or her respective county during his or her entire term.

4. Each appointed member shall be a voting member and shall hold office until his or her successor has been appointed and has qualified. A vacancy occurring during a term shall be filled only for the remainder of the unexpired term.

Reviser's note.--Amended pursuant to the directive of the Legislature in s. 1, ch. 93-199, Laws of Florida, to remove gender-specific references applicable to human beings from the Florida Statutes without substantive change in legal effect.

Section 38. Paragraph (d) of subsection (1) and paragraph (b) of subsection (7) of section 373.036, Florida Statutes, are amended to read:

373.036 Florida water plan; district water management

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1471 plans.--

1472 (1) FLORIDA WATER PLAN.--In cooperation with the water
1473 management districts, regional water supply authorities, and
1474 others, the department shall develop the Florida water plan. The
1475 Florida water plan shall include, but not be limited to:

1476 (d) Goals, objectives, and guidance for the development and
1477 review of programs, rules, and plans relating to water resources,
1478 based on statutory policies and directives. The state water
1479 policy rule, renamed the water resource implementation rule
1480 pursuant to s. 373.019(23) ~~373.019(20)~~, shall serve as this part
1481 of the plan. Amendments or additions to this part of the Florida
1482 water plan shall be adopted by the department as part of the
1483 water resource implementation rule. In accordance with s.
1484 373.114, the department shall review rules of the water
1485 management districts for consistency with this rule. Amendments
1486 to the water resource implementation rule must be adopted by the
1487 secretary of the department and be submitted to the President of
1488 the Senate and the Speaker of the House of Representatives within
1489 7 days after publication in the Florida Administrative Weekly.
1490 Amendments shall not become effective until the conclusion of the
1491 next regular session of the Legislature following their adoption.

1492 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.--

1493 (b) The consolidated annual report shall contain the
1494 following elements, as appropriate to that water management
1495 district:

1496 1. A district water management plan annual report or the
1497 annual work plan report allowed in subparagraph (2)(e)4.

1498 2. The department-approved minimum flows and levels annual
1499 priority list and schedule required by s. 373.042(2).

1500 3. The annual 5-year capital improvements plan required by

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s. 373.536(6)(a)3.

4. The alternative water supplies annual report required by s. 373.1961(3)(n) ~~373.1961(2)(k)~~.

5. The final annual 5-year water resource development work program required by s. 373.536(6)(a)4.

6. The Florida Forever Water Management District Work Plan annual report required by s. 373.199(7).

7. The mitigation donation annual report required by s. 373.414(1)(b)2.

Reviser's note.--Paragraph (1)(d) is amended to conform to the redesignation of subunits of s. 373.019 by s. 1, ch. 2005-291, Laws of Florida. Paragraph (7)(b) is amended to conform to the redesignation of subunits of s. 373.1961 by s. 3, ch. 2005-291.

Section 39. Subsection (3) of section 373.0361, Florida Statutes, is amended to read:

373.0361 Regional water supply planning.--

(3) The water supply development component of a regional water supply plan which deals with or affects public utilities and public water supply for those areas served by a regional water supply authority and its member governments within the boundary of the Southwest Florida Water Management District shall be developed jointly by the authority and the district. In areas not served by regional water supply authorities, or other multijurisdictional water supply entities, and where opportunities exist to meet water supply needs more efficiently through multijurisdictional projects identified pursuant to paragraph (2)(a) ~~s. 372.0361(2)(a)~~, water management districts

are directed to assist in developing multijurisdictional approaches to water supply project development jointly with affected water utilities, special districts, and local governments.

Reviser's note.--Amended to confirm the substitution by the editors of a reference to paragraph (2)(a) for a reference to nonexistent s. 372.0361(2)(a); s. 373.0361(2)(a) references multijurisdictional projects.

Section 40. Paragraph (e) of subsection (3) of section 373.1961, Florida Statutes, is amended to read:

373.1961 Water production; general powers and duties; identification of needs; funding criteria; economic incentives; reuse funding.--

(3) FUNDING.--

(e) Applicants for projects that may receive funding assistance pursuant to the Water Protection and Sustainability Program shall, at a minimum, be required to pay 60 percent of the project's construction costs. The water management districts may, at their discretion, totally or partially waive this requirement for projects sponsored by financially disadvantaged small local governments as defined in s. 403.885(5) ~~403.885(4)~~. The water management districts or basin boards may, at their discretion, use ad valorem or federal revenues to assist a project applicant in meeting the requirements of this paragraph.

Reviser's note.--Amended to conform to the redesignation of subunits within s. 403.885 by s. 16, ch. 2005-291, Laws of Florida.

1561
1562 Section 41. Subsection (1) of section 373.421, Florida
1563 Statutes, is amended to read:

1564 373.421 Delineation methods; formal determinations.--

1565 (1) The Environmental Regulation Commission shall adopt a
1566 unified statewide methodology for the delineation of the extent
1567 of wetlands as defined in s. 373.019(25) ~~373.019(22)~~. This
1568 methodology shall consider regional differences in the types of
1569 soils and vegetation that may serve as indicators of the extent
1570 of wetlands. This methodology shall also include provisions for
1571 determining the extent of surface waters other than wetlands for
1572 the purposes of regulation under s. 373.414. This methodology
1573 shall not become effective until ratified by the Legislature.
1574 Subsequent to legislative ratification, the wetland definition in
1575 s. 373.019(25) ~~373.019(22)~~ and the adopted wetland methodology
1576 shall be binding on the department, the water management
1577 districts, local governments, and any other governmental
1578 entities. Upon ratification of such wetland methodology, the
1579 Legislature preempts the authority of any water management
1580 district, state or regional agency, or local government to define
1581 wetlands or develop a delineation methodology to implement the
1582 definition and determines that the exclusive definition and
1583 delineation methodology for wetlands shall be that established
1584 pursuant to s. 373.019(25) ~~373.019(22)~~ and this section. Upon
1585 such legislative ratification, any existing wetlands definition
1586 or wetland delineation methodology shall be superseded by the
1587 wetland definition and delineation methodology established
1588 pursuant to this chapter. Subsequent to legislative ratification,
1589 a delineation of the extent of a surface water or wetland by the
1590 department or a water management district, pursuant to a formal

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determination under subsection (2), or pursuant to a permit issued under this part in which the delineation was field-verified by the permitting agency and specifically approved in the permit, shall be binding on all other governmental entities for the duration of the formal determination or permit. All existing rules and methodologies of the department, the water management districts, and local governments, regarding surface water or wetland definition and delineation shall remain in full force and effect until the common methodology rule becomes effective. However, this shall not be construed to limit any power of the department, the water management districts, and local governments to amend or adopt a surface water or wetland definition or delineation methodology until the common methodology rule becomes effective.

Reviser's note.--Amended to conform to the redesignation of subunits within s. 373.019 by s. 1, ch. 2005-291, Laws of Florida.

Section 42. Subsection (1) of section 375.075, Florida Statutes, is amended to read:

375.075 Outdoor recreation; financial assistance to local governments.--

(1) The Department of Environmental Protection is authorized to establish the Florida Recreation Development Assistance Program to provide grants to qualified local governmental entities to acquire or develop land for public outdoor recreation purposes. To the extent not needed for debt service on bonds issued pursuant to s. 375.051, each year the department shall develop and plan a program which shall be based

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upon funding of not less than 5 percent of the money credited to the Land Acquisition Trust Fund pursuant to s. 201.15(2) and (3) in that year. ~~Beginning fiscal year 2001-2002,~~ The department shall develop and plan a program which shall be based upon the cumulative total funding provided from this section and from the Florida Forever Trust Fund pursuant to s. 259.105(3)(d) ~~259.105(3)(c).~~

Reviser's note.--Amended to correct a reference and conform to context and to delete an obsolete date reference. Section 259.105(3)(c) was amended by s. 11, ch. 2000-170, Laws of Florida, and language relating to transfer of funds to the Land Acquisition Trust Fund for grants pursuant to s. 375.075 was stricken; material relating to transfer of funds pursuant to s. 375.075 was added by s. 11, ch. 2000-170, at a new s. 259.105(3)(d).

Section 43. Paragraph (a) of subsection (3) of section 390.01114, Florida Statutes, is amended to read:

390.01114 Parental Notice of Abortion Act.--

(3) NOTIFICATION REQUIRED.--

(a) Actual notice shall be provided by the physician performing or inducing the termination of pregnancy before the performance or inducement of the termination of the pregnancy of a minor. The notice may be given by a referring physician. The physician who performs or induces the termination of pregnancy must receive the written statement of the referring physician certifying that the referring physician has given notice. If actual notice is not possible after a reasonable effort has been

made, the physician performing or inducing the termination of pregnancy or the referring physician must give constructive notice. Notice given under this subsection by the physician performing or inducing the termination of pregnancy must include the name and address of the facility providing the termination of pregnancy, and the name of the physician providing notice. Notice given under this subsection by a referring physician must include the name and address of the facility where he or she is referring the minor and the name of the physician providing notice. If actual notice is provided by telephone, the physician must actually speak with the parent or guardian, and must record in the minor's medical file the name of the parent or guardian provided notice, the phone number dialed, and the date and time of the call. If constructive notice is given, the physician must document that notice by placing copies of any document related to the constructive notice, including, but not limited to, a copy of the letter and the return receipt, in the minor's medical file.

Reviser's note.--Amended to improve clarity.

Section 44. Section 397.405, Florida Statutes, is reenacted to read:

397.405 Exemptions from licensure.--The following are exempt from the licensing provisions of this chapter:

(1) A hospital or hospital-based component licensed under chapter 395.

(2) A nursing home facility as defined in s. 400.021.

(3) A substance abuse education program established pursuant to s. 1003.42.

(4) A facility or institution operated by the Federal

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1681 Government.

1682 (5) A physician licensed under chapter 458 or chapter 459.

1683 (6) A psychologist licensed under chapter 490.

1684 (7) A social worker, marriage and family therapist, or
1685 mental health counselor licensed under chapter 491.

1686 (8) An established and legally cognizable church or
1687 nonprofit religious organization or denomination providing
1688 substance abuse services, including prevention services, which
1689 are exclusively religious, spiritual, or ecclesiastical in
1690 nature. A church or nonprofit religious organization or
1691 denomination providing any of the licensable service components
1692 itemized under s. 397.311(18) is not exempt for purposes of its
1693 provision of such licensable service components but retains its
1694 exemption with respect to all services which are exclusively
1695 religious, spiritual, or ecclesiastical in nature.

1696 (9) Facilities licensed under s. 393.063 that, in addition
1697 to providing services to persons who are developmentally disabled
1698 as defined therein, also provide services to persons
1699 developmentally at risk as a consequence of exposure to alcohol
1700 or other legal or illegal drugs while in utero.

1701 (10) DUI education and screening services provided pursuant
1702 to ss. 316.192, 316.193, 322.095, 322.271, and 322.291. Persons
1703 or entities providing treatment services must be licensed under
1704 this chapter unless exempted from licensing as provided in this
1705 section.

1706
1707 The exemptions from licensure in this section do not apply to any
1708 service provider that receives an appropriation, grant, or
1709 contract from the state to operate as a service provider as
1710 defined in this chapter or to any substance abuse program

regulated pursuant to s. 397.406. Furthermore, this chapter may not be construed to limit the practice of a physician licensed under chapter 458 or chapter 459, a psychologist licensed under chapter 490, or a psychotherapist licensed under chapter 491 who provides substance abuse treatment, so long as the physician, psychologist, or psychotherapist does not represent to the public that he or she is a licensed service provider and does not provide services to clients pursuant to part V of this chapter. Failure to comply with any requirement necessary to maintain an exempt status under this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Reviser's note.--Section 4, ch. 2005-55, Laws of Florida, reenacted subsection (8) without publishing the flush left language at the end of the section. Absent affirmative evidence of legislative intent to repeal the flush left language, it is reenacted here to confirm that the omission was not intended.

Section 45. Subsections (3) and (4) of section 402.7305, Florida Statutes, are amended to read:

402.7305 Department of Children and Family Services; procurement of contractual services; contract management.--

(3) CONTRACT MANAGEMENT REQUIREMENTS AND PROCESS.--The Department of Children and Family Services shall review the time period for which the department executes contracts and shall execute multiyear contracts to make the most efficient use of the resources devoted to contract processing and execution. Whenever the department chooses not to use a multiyear contract, a justification for that decision must be contained in the

1741 contract. Notwithstanding s. 287.057(15), the department is
1742 responsible for establishing a contract management process that
1743 requires a member of the department's Senior Management or
1744 Selected ~~Select~~ Exempt Service to assign in writing the
1745 responsibility of a contract to a contract manager. The
1746 department shall maintain a set of procedures describing its
1747 contract management process which must minimally include the
1748 following requirements:

1749 (a) The contract manager shall maintain the official
1750 contract file throughout the duration of the contract and for a
1751 period not less than 6 years after the termination of the
1752 contract.

1753 (b) The contract manager shall review all invoices for
1754 compliance with the criteria and payment schedule provided for in
1755 the contract and shall approve payment of all invoices before
1756 their transmission to the Department of Financial Services for
1757 payment.

1758 (c) The contract manager shall maintain a schedule of
1759 payments and total amounts disbursed and shall periodically
1760 reconcile the records with the state's official accounting
1761 records.

1762 (d) For contracts involving the provision of direct client
1763 services, the contract manager shall periodically visit the
1764 physical location where the services are delivered and speak
1765 directly to clients receiving the services and the staff
1766 responsible for delivering the services.

1767 (e) The contract manager shall meet at least once a month
1768 directly with the contractor's representative and maintain
1769 records of such meetings.

1770 (f) The contract manager shall periodically document any

1771 differences between the required performance measures and the
1772 actual performance measures. If a contractor fails to meet and
1773 comply with the performance measures established in the contract,
1774 the department may allow a reasonable period for the contractor
1775 to correct performance deficiencies. If performance deficiencies
1776 are not resolved to the satisfaction of the department within the
1777 prescribed time, and if no extenuating circumstances can be
1778 documented by the contractor to the department's satisfaction,
1779 the department must terminate the contract. The department may
1780 not enter into a new contract with that same contractor for the
1781 services for which the contract was previously terminated for a
1782 period of at least 24 months after the date of termination. The
1783 contract manager shall obtain and enforce corrective action
1784 plans, if appropriate, and maintain records regarding the
1785 completion or failure to complete corrective action items.

1786 (g) The contract manager shall document any contract
1787 modifications, which shall include recording any contract
1788 amendments as provided for in this section.

1789 (h) The contract manager shall be properly trained before
1790 being assigned responsibility for any contract.

1791 (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.--The
1792 department shall establish contract monitoring units staffed by
1793 career service employees who report to a member of the Selected
1794 ~~Select~~ Exempt Service or Senior Management Service and who have
1795 been properly trained to perform contract monitoring, with at
1796 least one member of the contract monitoring unit possessing
1797 specific knowledge and experience in the contract's program area.
1798 The department shall establish a contract monitoring process that
1799 must include, but need not be limited to, the following
1800 requirements:

(a) Performing a risk assessment at the start of each fiscal year and preparing an annual contract monitoring schedule that includes consideration for the level of risk assigned. The department may monitor any contract at any time regardless of whether such monitoring was originally included in the annual contract monitoring schedule.

(b) Preparing a contract monitoring plan, including sampling procedures, before performing onsite monitoring at external locations of a service provider. The plan must include a description of the programmatic, fiscal, and administrative components that will be monitored on site. If appropriate, clinical and therapeutic components may be included.

(c) Conducting analyses of the performance and compliance of an external service provider by means of desk reviews if the external service provider will not be monitored on site during a fiscal year.

(d) Unless the department sets forth in writing the need for an extension, providing a written report presenting the results of the monitoring within 30 days after the completion of the onsite monitoring or desk review.

(e) Developing and maintaining a set of procedures describing the contract monitoring process.

Reviser's note.--Amended to conform to the substitution by the editors of the word "Selected" for the word "Select" to conform to the title of the Selected Exempt Service as referenced in part V of chapter 110, which created it.

Section 46. Paragraphs (r) and (u) of subsection (2) of

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section 403.813, Florida Statutes, are amended to read:

403.813 Permits issued at district centers; exceptions.--

(2) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, nothing in this subsection relieves an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or any water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(r) The removal of aquatic plants, the removal of tussocks, the associated replanting of indigenous aquatic plants, and the associated removal from lakes of organic detrital material when such planting or removal is performed and authorized by permit or exemption granted under s. 369.20 or s. 369.25, provided that:

1. Organic detrital material that exists on the surface of natural mineral substrate shall be allowed to be removed to a depth of 3 feet or to the natural mineral substrate, whichever is less;

2. All material removed pursuant to this paragraph shall be deposited in an upland site in a manner that will prevent the reintroduction of the material into waters in the state except when spoil material is permitted to be used to create wildlife islands in freshwater bodies of the state when a governmental entity is permitted pursuant to s. 369.20 to create such islands as a part of a restoration or enhancement project;

1861 3. All activities are performed in a manner consistent with
1862 state water quality standards; and

1863 4. No activities under this exemption are conducted in
1864 wetland areas, as defined by s. 373.019(25) ~~373.019(22)~~, which
1865 are supported by a natural soil as shown in applicable United
1866 States Department of Agriculture county soil surveys, except when
1867 a governmental entity is permitted pursuant to s. 369.20 to
1868 conduct such activities as a part of a restoration or enhancement
1869 project.

1870
1871 The department may not adopt implementing rules for this
1872 paragraph, notwithstanding any other provision of law.

1873 (u) Notwithstanding any provision to the contrary in this
1874 subsection, a permit or other authorization under chapter 253,
1875 chapter 369, chapter 373, or this chapter is not required for an
1876 individual residential property owner for the removal of organic
1877 detrital material from freshwater rivers or lakes that have a
1878 natural sand or rocky substrate and that are not Aquatic
1879 Preserves or for the associated removal and replanting of aquatic
1880 vegetation for the purpose of environmental enhancement,
1881 providing that:

1882 1. No activities under this exemption are conducted in
1883 wetland areas, as defined by s. 373.019(25) ~~373.019(22)~~, which
1884 are supported by a natural soil as shown in applicable United
1885 States Department of Agriculture county soil surveys.

1886 2. No filling or peat mining is allowed.

1887 3. No removal of native wetland trees, including, but not
1888 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

1889 4. When removing organic detrital material, no portion of
1890 the underlying natural mineral substrate or rocky substrate is

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removed.

5. Organic detrital material and plant material removed is deposited in an upland site in a manner that will not cause water quality violations.

6. All activities are conducted in such a manner, and with appropriate turbidity controls, so as to prevent any water quality violations outside the immediate work area.

7. Replanting with a variety of aquatic plants native to the state shall occur in a minimum of 25 percent of the preexisting vegetated areas where organic detrital material is removed, except for areas where the material is removed to bare rocky substrate; however, an area may be maintained clear of vegetation as an access corridor. The access corridor width may not exceed 50 percent of the property owner's frontage or 50 feet, whichever is less, and may be a sufficient length waterward to create a corridor to allow access for a boat or swimmer to reach open water. Replanting must be at a minimum density of 2 feet on center and be completed within 90 days after removal of existing aquatic vegetation, except that under dewatered conditions replanting must be completed within 90 days after reflooding. The area to be replanted must extend waterward from the ordinary high water line to a point where normal water depth would be 3 feet or the preexisting vegetation line, whichever is less. Individuals are required to make a reasonable effort to maintain planting density for a period of 6 months after replanting is complete, and the plants, including naturally recruited native aquatic plants, must be allowed to expand and fill in the revegetation area. Native aquatic plants to be used for revegetation must be salvaged from the enhancement project site or obtained from an aquatic plant nursery regulated by the

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Department of Agriculture and Consumer Services. Plants that are not native to the state may not be used for replanting.

8. No activity occurs any farther than 100 feet waterward of the ordinary high water line, and all activities must be designed and conducted in a manner that will not unreasonably restrict or infringe upon the riparian rights of adjacent upland riparian owners.

9. The person seeking this exemption notifies the applicable department district office in writing at least 30 days before commencing work and allows the department to conduct a preconstruction site inspection. Notice must include an organic-detrital-material removal and disposal plan and, if applicable, a vegetation-removal and revegetation plan.

10. The department is provided written certification of compliance with the terms and conditions of this paragraph within 30 days after completion of any activity occurring under this exemption.

Reviser's note.--Amended to conform to the redesignation of subunits within s. 373.019 by s. 1, ch. 2005-291, Laws of Florida.

Section 47. Subsection (5) of section 404.056, Florida Statutes, is amended to read:

404.056 Environmental radiation standards and projects; certification of persons performing measurement or mitigation services; mandatory testing; notification on real estate documents; rules.--

(5) NOTIFICATION ON REAL ESTATE DOCUMENTS.--Notification shall be provided on at least one document, form, or application

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executed at the time of, or prior to, contract for sale and purchase of any building or execution of a rental agreement for any building. Such notification shall contain the following language:

"RADON GAS: Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county health department."

The requirements of this subsection do not apply to any residential transient occupancy, as described in s. 509.013(12) ~~509.013(11)~~, provided that such occupancy is 45 days or less in duration.

Reviser's note.--Amended to conform to the redesignation of s. 509.013(11) as s. 509.013(12) by s. 7, ch. 2004-292, Laws of Florida.

Section 48. Paragraph (b) of subsection (2) of section 406.11, Florida Statutes, is amended to read:

406.11 Examinations, investigations, and autopsies.--
(2)

(b) The Medical Examiners Commission shall adopt rules, pursuant to chapter 120, providing for the notification of the next of kin that an investigation by the medical examiner's office is being conducted. A medical examiner may not retain or

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furnish any body part of the deceased for research or any other purpose which is not in conjunction with a determination of the identification of or cause or manner of death of the deceased or the presence of disease or which is not otherwise authorized by this chapter, part V ~~X~~ of chapter 765 ~~732~~, or chapter 873, without notification of and approval by the next of kin.

Reviser's note.--Amended to conform to the transfer of material in former part X of chapter 732 to part V of chapter 765 pursuant to ch. 2001-226, Laws of Florida.

Section 49. Paragraph (f) of subsection (3) of section 409.165, Florida Statutes, is amended to read:

409.165 Alternate care for children.--

(3) With the written consent of parents, custodians, or guardians, or in accordance with those provisions in chapter 39 that relate to dependent children, the department, under rules properly adopted, may place a child:

(f) In a subsidized independent living situation, subject to the provisions of s. 409.1451(4)(c) ~~409.1451(3)(e)~~,

under such conditions as are determined to be for the best interests or the welfare of the child. Any child placed in an institution or in a family home by the department or its agency may be removed by the department or its agency, and such other disposition may be made as is for the best interest of the child, including transfer of the child to another institution, another home, or the home of the child. Expenditure of funds appropriated for out-of-home care can be used to meet the needs of a child in the child's own home or the home of a relative if the child can

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be safely served in the child's own home or that of a relative if placement can be avoided by the expenditure of such funds, and if the expenditure of such funds in this manner is calculated by the department to be a potential cost savings.

Reviser's note.--Amended to conform to the redesignation of subunits within s. 409.1451 by s. 1, ch. 2004-362, Laws of Florida.

Section 50. Subsection (9) of section 409.814, Florida Statutes, is amended to read:

409.814 Eligibility.--A child who has not reached 19 years of age whose family income is equal to or below 200 percent of the federal poverty level is eligible for the Florida KidCare program as provided in this section. For enrollment in the Children's Medical Services Network, a complete application includes the medical or behavioral health screening. If, subsequently, an individual is determined to be ineligible for coverage, he or she must immediately be disenrolled from the respective Florida KidCare program component.

(9) Subject to paragraph (4)(b) and s. 624.91(4) ~~624.91(3)~~, the Florida KidCare program shall withhold benefits from an enrollee if the program obtains evidence that the enrollee is no longer eligible, submitted incorrect or fraudulent information in order to establish eligibility, or failed to provide verification of eligibility. The applicant or enrollee shall be notified that because of such evidence program benefits will be withheld unless the applicant or enrollee contacts a designated representative of the program by a specified date, which must be within 10 days after the date of notice, to discuss and resolve the matter. The

2041 program shall make every effort to resolve the matter within a
2042 timeframe that will not cause benefits to be withheld from an
2043 eligible enrollee.

2044
2045 Reviser's note.--Amended to conform to the
2046 redesignation of subunits within s. 624.91 by s. 6, ch.
2047 2004-1, Laws of Florida.

2048
2049 Section 51. Subsections (1) and (2) of section 409.91196,
2050 Florida Statutes, are amended to read:

2051 409.91196 Supplemental rebate agreements; confidentiality
2052 of records and meetings.--

2053 (1) Trade secrets, rebate amount, percent of rebate,
2054 manufacturer's pricing, and supplemental rebates which are
2055 contained in records of the Agency for Health Care Administration
2056 and its agents with respect to supplemental rebate negotiations
2057 and which are prepared pursuant to a supplemental rebate
2058 agreement under s. 409.912(39)(a)7. ~~409.912(40)(a)7.~~ are
2059 confidential and exempt from s. 119.07 and s. 24(a), Art. I of
2060 the State Constitution.

2061 (2) Those portions of meetings of the Medicaid
2062 Pharmaceutical and Therapeutics Committee at which trade secrets,
2063 rebate amount, percent of rebate, manufacturer's pricing, and
2064 supplemental rebates are disclosed for discussion or negotiation
2065 of a supplemental rebate agreement under s. 409.912(39)(a)7.
2066 ~~409.912(40)(a)7.~~ are exempt from s. 286.011 and s. 24(b), Art. I
2067 of the State Constitution.

2068
2069 Reviser's note.--Amended to conform to the repeal of
2070 former s. 409.912(38) by s. 55, ch. 2004-5, Laws of

2071 Florida, and the redesignation of subunits by the
2072 reviser necessitated by that repeal.

2073
2074 Section 52. Subsection (11) of section 440.05, Florida
2075 Statutes, is amended to read:

2076 440.05 Election of exemption; revocation of election;
2077 notice; certification.--

2078 (11) Any corporate officer permitted by this chapter to
2079 claim an exemption must be listed on the records of this state's
2080 Secretary of State, Division of Corporations, as a corporate
2081 officer. The department shall issue a stop-work order under s.
2082 440.107(7) ~~440.107(1)~~ to any corporation who employs a person who
2083 claims to be exempt as a corporate officer but who fails or
2084 refuses to produce the documents required under this subsection
2085 to the department within 3 business days after the request is
2086 made.

2087
2088 Reviser's note.--Amended to correct a reference and
2089 conform to context. Section 440.107(1) contains
2090 legislative findings; s. 440.107(7) relates to stop-
2091 work orders.

2092
2093 Section 53. Paragraph (c) of subsection (3) of section
2094 443.121, Florida Statutes, is amended to read:

2095 443.121 Employing units affected.--

2096 (3) ELECTIVE COVERAGE.--

2097 (c) Certain services for political subdivisions.--

2098 1. Any political subdivision of this state may elect to
2099 cover under this chapter, for at least 1 calendar year, service
2100 performed by employees in all of the hospitals and institutions

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2101 of higher education operated by the political subdivision.
2102 Election must be made by filing with the tax collection service
2103 provider a notice of election at least 30 days before the
2104 effective date of the election. The election may exclude any
2105 services described in s. 443.1216(4). Any political subdivision
2106 electing coverage under this paragraph must be a reimbursing
2107 employer and make reimbursements in lieu of contributions for
2108 benefits attributable to this employment, provided for nonprofit
2109 organizations in s. 443.1312(3) and (5).

2110 2. The provisions of s. 443.091(3) ~~443.091(4)~~ relating to
2111 benefit rights based on service for nonprofit organizations and
2112 state hospitals and institutions of higher education also apply
2113 to service covered by an election under this section.

2114 3. The amounts required to be reimbursed in lieu of
2115 contributions by any political subdivision under this paragraph
2116 shall be billed, and payment made, as provided in s. 443.1312(3)
2117 for similar reimbursements by nonprofit organizations.

2118 4. An election under this paragraph may be terminated after
2119 at least 1 calendar year of coverage by filing with the tax
2120 collection service provider written notice not later than 30 days
2121 before the last day of the calendar year in which the termination
2122 is to be effective. The termination takes effect on January 1 of
2123 the next ensuing calendar year for services performed after that
2124 date.

2125
2126 Reviser's note.--Amended to correct a long-standing
2127 cross-reference error. Section 443.091(4) relates to
2128 invocation of federal measures regarding unemployment
2129 compensation in the event of a national emergency;
2130 benefits for services are covered in s. 443.091(3). See

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2131 ss. 5 and 7, ch. 71-225, Laws of Florida, for the
2132 intended reference.
2133

2134 Section 54. Subsection (9) of section 445.009, Florida
2135 Statutes, is amended to read:

2136 445.009 One-stop delivery system.--

2137 (9)(a) Workforce Florida, Inc., working with the Agency for
2138 Workforce Innovation, shall coordinate among the agencies a plan
2139 for a One-Stop Electronic Network made up of one-stop delivery
2140 system centers and other partner agencies that are operated by
2141 authorized public or private for-profit or not-for-profit agents.
2142 The plan shall identify resources within existing revenues to
2143 establish and support this electronic network for service
2144 delivery that includes Government Services Direct. If necessary,
2145 the plan shall identify additional funding needed to achieve the
2146 provisions of this subsection.

2147 (b) The network shall assure that a uniform method is used
2148 to determine eligibility for and management of services provided
2149 by agencies that conduct workforce development activities. The
2150 Department of Management Services shall develop strategies to
2151 allow access to the databases and information management systems
2152 of the following systems in order to link information in those
2153 databases with the one-stop delivery system:

2154 1. The Unemployment Compensation Program of the Agency for
2155 Workforce Innovation.

2156 2. The public employment service described in s. 443.181.

2157 3. The FLORIDA System and the components related to WAGES,
2158 food stamps, and Medicaid eligibility.

2159 4. The Student Financial Assistance System of the
2160 Department of Education.

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2161 5. Enrollment in the public postsecondary education system.
2162 6. Other information systems determined appropriate by
2163 Workforce Florida, Inc.

2164
2165 ~~The systems shall be fully coordinated at both the state and~~
2166 ~~local levels by July 1, 2001.~~

2167
2168 Reviser's note.--Amended to delete a provision
2169 requiring that certain information systems relating to
2170 one-stop delivery of workforce services be fully
2171 coordinated by July 1, 2001.

2172
2173 Section 55. Paragraph (a) of subsection (2) of section
2174 466.004, Florida Statutes, is amended to read:

2175 466.004 Board of Dentistry.--

2176 (2) To advise the board, it is the intent of the
2177 Legislature that councils be appointed as specified in paragraphs
2178 (a), (b), and (c). The department shall provide administrative
2179 support to the councils and shall provide public notice of
2180 meetings and agenda of the councils. Councils shall include at
2181 least one board member who shall chair the council and shall
2182 include nonboard members. All council members shall be appointed
2183 by the board chair. Council members shall be appointed for 4-
2184 year terms, and all members shall be eligible for reimbursement
2185 of expenses in the manner of board members.

2186 (a) A Council on Dental Hygiene shall be appointed by the
2187 board chair and shall include one dental hygienist member of the
2188 board, who shall chair the council, one dental member of the
2189 board, and three dental hygienists who are actively engaged in
2190 the practice of dental hygiene in this state. In making the

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2191 appointments, the chair shall consider recommendations from the
2192 Florida Dental Hygiene ~~Hygienist~~ Association. The council shall
2193 meet at the request of the board chair, a majority of the members
2194 of the board, or the council chair; however, the council must
2195 meet at least three times a year. The council is charged with the
2196 responsibility of and shall meet for the purpose of developing
2197 rules and policies for recommendation to the board, which the
2198 board shall consider, on matters pertaining to that part of
2199 dentistry consisting of educational, preventive, or therapeutic
2200 dental hygiene services; dental hygiene licensure, discipline, or
2201 regulation; and dental hygiene education. Rule and policy
2202 recommendations of the council shall be considered by the board
2203 at its next regularly scheduled meeting in the same manner in
2204 which it considers rule and policy recommendations from
2205 designated subcommittees of the board. Any rule or policy
2206 proposed by the board pertaining to the specified part of
2207 dentistry defined by this subsection shall be referred to the
2208 council for a recommendation before final action by the board.
2209 The board may take final action on rules pertaining to the
2210 specified part of dentistry defined by this subsection without a
2211 council recommendation if the council fails to submit a
2212 recommendation in a timely fashion as prescribed by the board.

2213
2214 Reviser's note.--Amended to confirm the substitution by
2215 the editors of the word "Hygiene" for the word
2216 "Hygienists" to conform to the proper name of the
2217 Florida Dental Hygiene Association.

2218
2219 Section 56. Subsection (3) of section 475.713, Florida
2220 Statutes, is amended to read:

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2221 475.713 Civil action concerning commission; order to show
2222 cause; hearing; release of proceeds; award of costs and
2223 attorney's fees.--

2224 (3) The court shall issue an order releasing the broker's
2225 claim of lien against the owner's net proceeds from such
2226 disposition, discharging any commission notice that may ~~be~~ have
2227 been recorded, ordering the release to the owner of the disputed
2228 reserved proceeds, and awarding costs and reasonable attorney's
2229 fees to the owner to be paid by the broker if, following a
2230 hearing, the court determines that the owner is not a party to a
2231 brokerage agreement that will result in the owner being obligated
2232 to pay the broker the claimed commission or any portion thereof
2233 with respect to the disposition of the commercial real estate
2234 identified in the commission notice. If the court determines that
2235 the owner is a party to a brokerage agreement that will result in
2236 the owner being obligated to pay the broker the claimed
2237 commission or any portion thereof with respect to the disposition
2238 of the commercial real estate identified in the commission
2239 notice, the court shall issue an order so stating, ordering the
2240 release to the broker of the disputed reserved proceeds or such
2241 portion thereof to which the court determines that the broker is
2242 entitled, and awarding costs and reasonable attorney's fees to
2243 the broker to be paid by the owner. Such orders are final
2244 judgments.

2245
2246 Reviser's note.--Amended to confirm the deletion by the
2247 editors of the word "be" following the word "may" to
2248 improve clarity.

2249
2250 Section 57. Subsection (8) of section 475.801, Florida

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Statutes, is amended to read:

475.801 Definitions.--As used in this part:

(8) "Lien notice" means the written notice of lien made by a broker claiming a commission under s. 475.805 ~~745.805~~.

Reviser's note.--Amended to correct a reference to nonexistent s. 745.805; s. 475.805 relates to the contents of lien notices.

Section 58. Subsection (2) of section 475.805, Florida Statutes, is amended to read:

475.805 Contents of lien notice.--

(2) A lien notice in substantially the following form shall be sufficient for purposes of subsection (1):

BROKER'S COMMISSION LIEN NOTICE

UNDER FLORIDA COMMERCIAL REAL ESTATE
LEASING COMMISSION LIEN ACT

Notice is hereby given, pursuant to the Florida Commercial Real Estate Leasing Commission Lien Act, part IV of chapter 475, Florida Statutes (the "act"), that the undersigned real estate broker is entitled to receive a leasing commission from the owner named below pursuant to the terms of a written brokerage commission agreement regarding a lease of the commercial real estate described below, and the undersigned broker claims a lien under the act against the owner's interest in the commercial real estate in the amount set forth below.

1. Name of the owner who is obligated to pay the commission:

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2281 _____

2282

2283

2284 2. (Check one:) The owner obligated to pay the commission is:

2285 [] the landlord under the lease.

2286 [] the tenant under the lease.

2287

2288 3. Name of the person owning ~~owing~~ the fee simple interest in

2289 the commercial real estate, if other than the owner who is

2290 obligated to pay the commission:

2291 _____

2292

2293

2294 4. Legal description of the commercial real estate:

2295 _____

2296

2297

2298 5. Name, mailing address, telephone number, and Florida broker

2299 license number of the undersigned broker:

2300

2301

2302 _____

2303

2304

2305

2306 _____

2307

2308

2309

2310 _____

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2311
2312
2313 6. Effective date of the written brokerage commission agreement
2314 between the owner and the broker under which the commission is or
2315 will be payable: _____, _____.
2316

2317 7. Amount of commission claimed by the undersigned broker:
2318 \$_____, or _____ percent of
2319 rents payable under lease, or
2320

2321 [specify other formula for determination of commission amount]:
2322 _____.
2323

2324 8. The lease for which the commission is claimed is described as
2325 follows [provide all information known to the broker]:

2326 Name of landlord: _____

2327 Name of tenant: _____

2328 Date of lease: _____,

2329 Leased premises: _____
2330

2331 9. Automatic renewal commissions (check yes or no): Is the
2332 undersigned broker claiming a commission that may become payable
2333 if the lease is later renewed or modified to expand the leased
2334 premises or to extend the lease term, but the written brokerage
2335 commission agreement does not expressly require the broker to
2336 perform any additional services in order to receive this later
2337 commission?

2338 [] Yes

2339 [] No
2340

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If yes, specify the amount of such later commission or the formula for computing the later commission:

10. The expiration date of this lien notice is 2 years after the date of recording, unless the answer to paragraph 9 is yes, in which case the expiration date of this lien notice for the commission described in paragraph 9 is 10 years after the date of recording.

11. The undersigned broker, under penalty of perjury, hereby swears or affirms that the undersigned broker has read this lien notice, knows its contents and believes the same to be true and correct, and that the undersigned broker is making this commission claim pursuant to the written brokerage commission agreement described in this lien notice.

Signed: (broker)

Signed and sworn to or affirmed under penalty of perjury before me, a notary public, this _____ day of _____, _____, by _____.

Signed: (notary public)

Reviser's note.--Amended to conform to context.

Section 59. Paragraph (a) of subsection (9) of section 497.458, Florida Statutes, is amended to read:

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2371 497.458 Disposition of proceeds received on contracts.--

2372 (9) The amounts required to be placed in trust by this
2373 section for contracts previously entered into shall be as
2374 follows:

2375 (a) For contracts entered into before October 1, 1993, the
2376 trust amounts as amended by s. 6, chapter 83-316 ~~83-816~~, Laws of
2377 Florida, shall apply.

2378
2379 Reviser's note.--Amended to correct a reference to s.
2380 6, ch. 83-816, Laws of Florida. Chapter 83-816 does not
2381 exist; s. 6, ch. 83-316, Laws of Florida, amended the
2382 material currently in s. 497.458.

2383
2384 Section 60. Paragraph (b) of subsection (6) of section
2385 497.459, Florida Statutes, is amended to read:

2386 497.459 Cancellation of, or default on, preneed
2387 contracts.--

2388 (6) OTHER PROVISIONS.--

2389 (b) The amounts required to be refunded by this section for
2390 contracts previously entered into shall be as follows:

2391 1. For contracts entered into before October 1, 1993, the
2392 refund amounts as amended by s. 7, chapter 83-316 ~~83-816~~, Laws of
2393 Florida, shall apply.

2394 2. For contracts entered into on or after October 1, 1993,
2395 the refund amounts as amended by s. 99, chapter 93-399, Laws of
2396 Florida, shall apply.

2397
2398 Reviser's note.--Amended to correct a reference to s.
2399 7, ch. 83-816, Laws of Florida. Chapter 83-816 does not
2400 exist; s. 7, ch. 83-316, Laws of Florida, amended the

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2401 material currently in s. 497.459.

2402

2403 Section 61. Subsection (3) of section 499.024, Florida
2404 Statutes, is amended to read:

2405 499.024 Drug product classification.--The secretary shall
2406 adopt rules to classify drug products intended for use by humans
2407 which the United States Food and Drug Administration has not
2408 classified in the federal act or the Code of Federal Regulations.

2409 (3) Any product that falls under the drug definition, s.
2410 499.003(17) ~~499.003(12)~~, may be classified under the authority of
2411 this section. This section does not subject portable emergency
2412 oxygen inhalators to classification; however, this section does
2413 not exempt any person from ss. 499.01 and 499.015.

2414

2415 Reviser's note.--Amended to conform to the
2416 redesignation of s. 499.003(12), defining the term
2417 "drug," as s. 499.003(17) by s. 3, ch. 2003-155, Laws
2418 of Florida.

2419

2420 Section 62. Subsection (20) of section 517.12, Florida
2421 Statutes, is amended to read:

2422 517.12 Registration of dealers, associated persons,
2423 investment advisers, and branch offices.--

2424 (20) The registration requirements of this section do not
2425 apply to any general lines insurance agent or life insurance
2426 agent licensed under chapter 626, for the sale of a security as
2427 defined in s. 517.021(21)(g) ~~517.021(20)(g)~~, if the individual is
2428 directly authorized by the issuer to offer or sell the security
2429 on behalf of the issuer and the issuer is a federally chartered
2430 savings bank subject to regulation by the Federal Deposit

2431 Insurance Corporation. Actions under this subsection shall
2432 constitute activity under the insurance agent's license for
2433 purposes of ss. 626.611 and 626.621.

2434
2435 Reviser's note.--Amended to correct a reference and
2436 conform to context. Section 517.021(20) is not divided
2437 into paragraphs; s. 517.021(21)(g) lists certificates
2438 of deposit within the definition of the word
2439 "security." The reference in s. 517.12, originally to
2440 s. 517.021(19)(g), was added by s. 12, ch. 2002-404,
2441 Laws of Florida; the cited material there is now in s.
2442 517.021(21)(g).

2443
2444 Section 63. Subsection (1) of section 553.792, Florida
2445 Statutes, is amended to read:

2446 553.792 Building permit application to local government.--

2447 (1) Within 10 days of an applicant submitting an
2448 application to the local government, the local government shall
2449 advise the applicant what information, if any, is needed to deem
2450 the application properly completed in compliance with the filing
2451 requirements published by the local government. If the local
2452 government does not provide written notice that the applicant has
2453 not submitted the properly completed application, the application
2454 shall be automatically deemed properly completed and accepted.
2455 Within 45 days after receiving a completed application, a local
2456 government must notify an applicant if additional information is
2457 required for the local government to determine the sufficiency of
2458 the application, and shall specify the additional information
2459 that is required. The applicant must submit the additional
2460 information to the local government or request that the local

2461 government act without the additional information. While the
2462 applicant responds to the request for additional information, the
2463 120-day period described in this subsection ~~(2)~~ is tolled. Both
2464 parties may agree to a reasonable request for an extension of
2465 time, particularly in the event of a force major or other
2466 extraordinary circumstance. The local government must approve,
2467 approve with conditions, or deny the application within 120 days
2468 following receipt of a completed application.

2469
2470 Reviser's note.--Amended to correct a reference and
2471 improve clarity. Section 553.792(2) does not reference
2472 a 120-day period for action on an application;
2473 subsection (1) does require local government action on
2474 an application within 120 days following receipt of a
2475 completed application.

2476
2477 Section 64. Paragraph (a) of subsection (7) of section
2478 553.80, Florida Statutes, is amended to read:

2479 553.80 Enforcement.--

2480 (7) The governing bodies of local governments may provide a
2481 schedule of reasonable fees, as authorized by s. 125.56(2) or s.
2482 166.222 and this section, for enforcing this part. These fees,
2483 and any fines or investment earnings related to the fees, shall
2484 be used solely for carrying out the local government's
2485 responsibilities in enforcing the Florida Building Code. When
2486 providing a schedule of reasonable fees, the total estimated
2487 annual revenue derived from fees, and the fines and investment
2488 earnings related to the fees, may not exceed the total estimated
2489 annual costs of allowable activities. Any unexpended balances
2490 shall be carried forward to future years for allowable activities

2491 or shall be refunded at the discretion of the local government.
2492 The basis for a fee structure for allowable activities shall
2493 relate to the level of service provided by the local government.
2494 Fees charged shall be consistently applied.

2495 (a) As used in this subsection, the phrase "enforcing the
2496 Florida Building Code" includes the direct costs and reasonable
2497 indirect costs associated with review of building plans, building
2498 inspections, reinspections, and building permit processing;
2499 building code enforcement; and fire inspections associated with
2500 new construction. The phrase may also include training costs
2501 associated with the enforcement of the Florida Building Code and
2502 enforcement action pertaining to unlicensed contractor activity
2503 to the extent not funded by other user fees.

2504
2505 Reviser's note.--Amended to confirm the insertion by
2506 the editors of the word "and" following the word
2507 "reinspections" to improve clarity.

2508
2509 Section 65. Subsections (3) and (4) of section 553.842,
2510 Florida Statutes, are amended to read:

2511 553.842 Product evaluation and approval.--

2512 (3) Products or methods or systems of construction that
2513 require approval under s. 553.77, that have standardized testing
2514 or comparative or rational analysis methods established by the
2515 code, and that are certified by an approved product evaluation
2516 entity, testing laboratory, or certification agency as complying
2517 with the standards specified by the code shall be approved for
2518 statewide use. Products required to be approved for statewide use
2519 shall be approved by one of the methods established in subsection
2520 (5) ~~(6)~~ without further evaluation.

(4) Products or methods or systems of construction requiring approval under s. 553.77 must be approved by one of the methods established in subsection (5) ~~or subsection (6)~~ before their use in construction in this state. Products may be approved by the commission for statewide use. Notwithstanding a local government's authority to amend the Florida Building Code as provided in this act, statewide approval shall preclude local jurisdictions from requiring further testing, evaluation, or submission of other evidence as a condition of using the product so long as the product is being used consistent with the conditions of its approval.

Reviser's note.--Amended to conform to the deletion of former s. 553.842(5) and the consequent redesignation of subsection (6) as subsection (5) by s. 16, ch. 2005-147, Laws of Florida.

Section 66. Paragraph (f) of subsection (1) of section 553.8425, Florida Statutes, is amended to read:

553.8425 Local product approval.--

(1) For local product approval, products or systems of construction shall demonstrate compliance with the structural windload requirements of the Florida Building Code through one of the following methods:

(f) Designation of compliance with a prescriptive, material standard adopted by the commission by rule under s. 553.842(15) ~~553.842(16)~~.

Reviser's note.--Amended to conform to the location of material relating to adoption of a rule listing

prescriptive material standards in s. 553.842(15); s.
553.842(16) does not exist.

Section 67. Subsection (6) of section 556.102, Florida
Statutes, is amended to read:

556.102 Definitions.--As used in this act:

(6) "Excavate" or "excavation" means any manmade cut,
cavity, trench, or depression in the earth's surface, formed by
removal of earth, intended to change the grade or level of land,
or intended to penetrate or disturb the surface of the earth,
including land beneath the waters of the state, as defined in s.
373.019(20) ~~373.019(17)~~, and the term includes pipe bursting and
directional drilling or boring from one point to another point
beneath the surface of the earth, or other trenchless
technologies.

Reviser's note.--Amended to conform to the
redesignation of s. 373.019(17), defining "water" or
"waters of the state," as s. 373.019(20) by s. 1, ch.
2005-291, Laws of Florida.

Section 68. Paragraph (c) of subsection (2) of section
570.076, Florida Statutes, is amended to read:

570.076 Environmental Stewardship Certification
Program.--The department may, by rule, establish the
Environmental Stewardship Certification Program consistent with
this section. A rule adopted under this section must be developed
in consultation with state universities, agricultural
organizations, and other interested parties.

(2) The department shall provide an agricultural

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certification under this program for implementation of one or more of the following criteria:

(c) Best management practices adopted by rule pursuant to s. 403.067(7)(c) ~~403.067(7)(d)~~ or s. 570.085(2).

Reviser's note.--Amended to conform a reference to the location of material relating to best management practices in s. 403.067(7)(c); s. 403.067(7)(d) was amended and merged into paragraph (c) by s. 6, ch. 2005-166, Laws of Florida, and s. 13, ch. 2005-291, Laws of Florida.

Section 69. Paragraph (a) of subsection (1) of section 608.4355, Florida Statutes, is amended to read:

608.4355 Notice of intent to demand payment.--

(1) If a proposed appraisal event is submitted to a vote at a members' meeting, or is submitted to a member pursuant to a consent vote, a member who is entitled to and who wishes to assert appraisal rights with respect to any class or series of membership interests:

(a) Must deliver to a manager or managing member of the limited liability company before the vote is taken, or within 20 days after receiving the notice pursuant to s. 608.4354(3) ~~608.4353(3)~~ if action is to be taken without a member meeting, written notice of such person's intent to demand payment if the proposed appraisal event is effectuated.

Reviser's note.--Amended to conform to the fact that s. 608.4353 does not contain a subsection (3) and s. 608.4354(3) relates to notice in a situation where an

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appraisal event is to be approved other than by a member meeting.

Section 70. Subsection (6) of section 608.4381, Florida Statutes, is amended to read:

608.4381 Action on plan of merger.--

(6) A plan of merger may provide for the manner, if any, in which the plan of merger may be amended at any time before the effective date of the merger, except after the approval of the plan of merger by the members of a limited liability company that is a party to the merger, the plan of merger may not be amended to:

(a) Change the amount or kind of interests, partnership interests, shares, obligations, other securities, cash, rights, or any other property to be received by the members of such limited liability company in exchange for or on conversion of their interests;

(b) If the surviving entity is a limited liability company, change any term of the articles of organization or the operating agreement of the surviving entity, except for changes that otherwise could be adopted without the approval of the members of the surviving entity;

(c) If the surviving entity is not a limited liability company, change any term of the articles of incorporation or comparable governing document of the surviving entity, except for changes that otherwise could be adopted by the board of directors or comparable representatives of the surviving entity; or

(d) Change any of the terms and conditions of the plan of merger if any such change, alone or in the aggregate, would materially and adversely affect the members, or any class or

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group of members, of such limited liability company.

If an amendment to a plan of merger is made in accordance with the plan and articles of merger have been filed with the Department of State, an amended certificate of merger executed by each limited liability company and other business entity that is a party to the merger shall be filed with the Department of State prior to the effective date of the merger.

Reviser's note.--Amended to confirm the insertion by the editors of the word "with" following the word "accordance" to improve clarity.

Section 71. Subsection (5) of section 620.1108, Florida Statutes, is amended to read:

620.1108 Name.--

(5) Subject to s. 620.1905 ~~620.905~~, this section applies to any foreign limited partnership transacting business in this state, having a certificate of authority to transact business in this state, or applying for a certificate of authority.

Reviser's note.--Amended to confirm the substitution by the editors of a reference to s. 620.1905 for a reference to s. 620.905, which does not exist. Section 620.1905 relates to noncomplying names of foreign limited partnerships.

Section 72. Paragraph (b) of subsection (2) of section 620.1110, Florida Statutes, is amended to read:

620.1110 Effect of partnership agreement; nonwaivable

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provisions.--

(2) A partnership agreement may not:

(b) Vary the law applicable to a limited partnership under
s. 620.1106 ~~620.106~~;

Reviser's note.--Amended to confirm the substitution by
the editors of a reference to s. 620.1106 for a
reference to s. 620.106, which was repealed by s. 25,
ch. 2005-267, Laws of Florida. Section 620.1106 relates
to governing law.

Section 73. Paragraphs (g) and (k) of subsection (1) of
section 620.1204, Florida Statutes, are amended to read:

620.1204 Signing of records.--

(1) Each record delivered to the Department of State for
filing pursuant to this act must be signed in the following
manner:

(g) A certificate of dissolution, a statement of
termination, and a certificate of revocation of dissolution must
be signed by all general partners listed in the certificate of
limited partnership or, if the certificate of limited partnership
of a dissolved limited partnership lists no general partners, by
the person appointed pursuant to s. 620.1803(3) or (4) ~~620.803(3)~~
~~or (4)~~ to wind up the dissolved limited partnership's activities.

(k) A statement by a person pursuant to s. 620.1605(2)
~~620.1605(1)-(d)~~ stating that the person has dissociated as a
general partner must be signed by that person.

Reviser's note.--Paragraph (1)(g) is amended to confirm
the substitution by the editors of a reference to s.

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2701 620.1803(3) or (4) for a reference to s. 620.803(3) or
2702 (4). Section 620.803 does not exist; s. 620.1803(3) and
2703 (4) relate to appointment of a person to wind up
2704 limited partnership activities. Paragraph (1)(k) is
2705 amended to correct a reference and conform to context;
2706 s. 620.1605(1)(d) does not exist; s. 620.1605(2)
2707 relates to a statement of dissociation.
2708

2709 Section 74. Paragraph (a) of subsection (3) of section
2710 620.1207, Florida Statutes, is amended to read:

2711 620.1207 Correcting filed record.--

2712 (3) When filed by the Department of State, a statement of
2713 correction is effective retroactively as of the effective date of
2714 the record the statement corrects, but the statement is effective
2715 when filed:

2716 (a) For the purposes of s. 620.1103(3) and (4) ~~620.103(3)~~
2717 ~~and (4)~~.
2718

2719 Reviser's note.--Amended to confirm the substitution by
2720 the editors of a reference to s. 620.1103(3) and (4)
2721 for a reference to s. 620.103(3) and (4). Section
2722 620.103 was repealed by s. 25, ch. 2005-267, Laws of
2723 Florida; s. 620.1103(3) and (4) relate to documents
2724 serving as notice of limited partnership and partner
2725 status.
2726

2727 Section 75. Subsection (9) of section 620.1407, Florida
2728 Statutes, is amended to read:

2729 620.1407 Right of general partner and former general
2730 partner to information.--

(9) The rights under this section do not extend to a person as transferee, but the rights under subsection (3) of a person dissociated as a general partner may be exercised by the legal representative of an individual who dissociated as a general partner under s. 620.1603(7)(b) or (c) ~~620.603(7)(b) or (c)~~.

Reviser's note.--Amended to confirm the substitution by the editors of a reference to s. 620.1603(7)(b) or (c) for a reference to s. 620.603(7)(b) or (c). Section 620.603 does not exist; s. 620.1603(7)(b) and (c) relate to dissociation of a general partner by virtue of guardianship or incapacity, respectively.

Section 76. Paragraph (b) of subsection (2) of section 620.2118, Florida Statutes, is amended to read:

620.2118 Appraisal notice and form.--

(2) The appraisal notice must be sent no earlier than the date the appraisal event became effective and no later than 10 days after such date and must:

(b) State:

1. Where the form described in paragraph (a) must be sent.

2. A date by which the limited partnership must receive the form, which date may not be fewer than 40 or more than 60 days after the date the appraisal notice and form described in this subsection are sent, and state that the limited partner shall have waived the right to demand appraisal with respect to the limited partner interests unless the form is received by the limited partnership by such specified date.

3. In the case of limited partner interest represented by a certificate, the location at which certificates for such

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certificated partnership interests must be deposited, if that action is required by the limited partnership, and the date by which those certificates must be deposited, which date may not be earlier than the date for receiving the required form under subparagraph 2.

4. The limited partnership's estimate of the fair value of the limited partner interests.

5. An offer to each limited partner who is entitled to appraisal rights to pay the limited partnership's estimate of fair value set forth in subparagraph 4.

6. That, if requested in writing, the limited partnership will provide to the limited partner so requesting, within 10 days after the date specified in subparagraph 2., the number of limited partners who return the forms by the specified date and the total number of limited partner interests owned by them.

7. The date by which the notice to withdraw under s. 620.2119 ~~620.1119~~ must be received, which date must be within 20 days after the date specified in subparagraph 2.

Reviser's note.--Amended to correct a reference and conform to context. Section 620.1119 does not exist; s. 620.2119 relates to the right to withdraw.

Section 77. Subsection (1) of section 620.2120, Florida Statutes, is amended to read:

620.2120 Limited partner's acceptance of limited partnership's offer.--

(1) If the limited partner states on the form provided in s. 620.2118(1) that the limited partner accepts the offer of the limited partnership to pay the limited partnership's estimated

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2791 fair value for the limited partner interest, the limited
2792 partnership shall make such payment to the limited partner within
2793 90 days after the limited partnership's receipt of the items
2794 required by s. 620.2119(1) ~~620.1119(1)~~.

2795
2796 Reviser's note.--Amended to confirm the substitution by
2797 the editors of a reference to s. 620.2119(1) for a
2798 reference to s. 620.1119(1). Section 620.1119 does not
2799 exist; s. 620.2119(1) relates to deposit of a limited
2800 partner's certificates and corresponding loss of rights
2801 as a limited partner.

2802
2803 Section 78. Paragraphs (d) and (f) of subsection (3) of
2804 section 620.2204, Florida Statutes, are amended to read:

2805 620.2204 Application to existing relationships.--

2806 (3) With respect to a limited partnership formed before
2807 January 1, 2006, the following rules apply except as the partners
2808 otherwise elect in the manner provided in the partnership
2809 agreement or by law for amending the partnership agreement:

2810 (d) The provisions of s. 620.1603(4) ~~620.603(4)~~ do not
2811 apply.

2812 (f) The provisions of s. 620.1801(1)(c) ~~620.1801(3)~~ do not
2813 apply and the connection between a person's dissociation as a
2814 general partner and the dissolution of the limited partnership is
2815 the same as existed immediately before January 1, 2006.

2816
2817 Reviser's note.--Paragraph (3)(d) is amended to confirm
2818 the substitution by the editors of a reference to s.
2819 620.1603(4) for a reference to s. 620.603(4). Section
2820 620.603 does not exist; s. 620.1603(4) relates to

expulsion of a general partner. Paragraph (3)(f) is amended to confirm the substitution by the editors of a reference to s. 620.1801(1)(c) for a reference to s. 620.1801(3). Section 620.1801(3) does not exist; s. 620.1801(1)(c) relates to the dissociation of a general partner and consent to continue or dissolve the limited partnership.

Section 79. Subsection (15) of section 620.8101, Florida Statutes, is amended to read:

620.8101 Definitions.--As used in this act, the term: (15) "Statement" means a statement of partnership authority under s. 620.8303, a statement of denial under s. 620.8304, a statement of dissociation under s. 620.8704, a statement of dissolution under s. 620.8805, a statement of merger under s. 620.8918 ~~620.8907~~, a statement of qualification under s. 620.9001, a statement of foreign qualification under s. 620.9102, or an amendment or cancellation of any of the foregoing.

Reviser's note.--Amended to conform to the repeal of s. 620.8907 by s. 25, ch. 2005-267, Laws of Florida. Filings required for merger are now covered in s. 620.8918, including a reference to the statement of merger.

Section 80. Subsection (1) of section 620.8702, Florida Statutes, is amended to read:

620.8702 Dissociated partner's power to bind and liability to partnership.--

(1) For 1 year after a partner dissociates without

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2851 resulting in a dissolution and winding up of the partnership
2852 business, the partnership, including a surviving partnership
2853 under ss. 620.8911-620.8923 ~~620.8901-620.8908~~, is bound by an act
2854 of the dissociated partner which would have bound the partnership
2855 under s. 620.8301 before dissociation only if, at the time of
2856 entering into the transaction, the other party:

2857 (a) Reasonably believed that the dissociated partner was
2858 then a partner;

2859 (b) Did not have notice of the partner's dissociation; and

2860 (c) Is not deemed to have had knowledge under s.
2861 620.8303(4) or notice under s. 620.8704(4).

2862
2863 Reviser's note.--Amended to conform to the repeal of
2864 ss. 620.8901-620.8908 relating to conversion of a
2865 partnership to a limited partnership; conversion
2866 procedures are now covered in ss. 620.8911-620.8923.

2867
2868 Section 81. Subsection (2) of section 620.8703, Florida
2869 Statutes, is amended to read:

2870 620.8703 Dissociated partner's liability to other
2871 persons.--

2872 (2) A partner who dissociates without resulting in a
2873 dissolution and winding up of the partnership business is liable
2874 as a partner to any other party to a transaction entered into by
2875 the partnership, or a surviving partnership under ss. 620.8911-
2876 620.8923 ~~620.8901-620.8908~~, within 1 year after the partner's
2877 dissociation only if the partner is liable for the obligation
2878 under s. 620.8306 and, at the time of entering into the
2879 transaction, the other party:

2880 (a) Reasonably believed that the dissociated partner was

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

then a partner;

(b) Did not have notice of the partner's dissociation; and

(c) Is not deemed to have had knowledge under s.

620.8303(4) or notice under s. 620.8704(4).

Reviser's note.--Amended to conform to the repeal of ss. 620.8901-620.8908 relating to conversion of a partnership to a limited partnership; conversion procedures are now covered in ss. 620.8911-620.8923.

Section 82. Paragraph (a) of subsection (7) of section 624.501, Florida Statutes, is amended to read:

624.501 Filing, license, appointment, and miscellaneous fees.--The department, commission, or office, as appropriate, shall collect in advance, and persons so served shall pay to it in advance, fees, licenses, and miscellaneous charges as follows:

(7) Life insurance agents.

(a) Agent's original appointment and biennial renewal or continuation thereof, each insurer or agent making an appointment:

Appointment fee....\$42.00

State tax....12.00

County tax....6.00 Total....\$60.00

Reviser's note.--Amended to confirm the reinsertion by the editors of the word "fee" following the word "Appointment" to correct a coding error and conform to context.

Section 83. Paragraph (b) of subsection (5) of section

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2911 624.509, Florida Statutes, is amended to read:

2912 624.509 Premium tax; rate and computation.--

2913 (5)

2914 (b) For purposes of this subsection:

2915 1. The term "salaries" does not include amounts paid as
2916 commissions.

2917 2. The term "employees" does not include independent
2918 contractors or any person whose duties require that the person
2919 hold a valid license under the Florida Insurance Code, except
2920 adjusters, managing general agents, and service representatives,
2921 as defined in s. 626.015.

2922 3. The term "net tax" means the tax imposed by this section
2923 after applying the calculations and credits set forth in
2924 subsection (4).

2925 4. An affiliated group of corporations that created a
2926 service company within its affiliated group on July 30, 2002,
2927 shall allocate the salary of each service company employee
2928 covered by contracts with affiliated group members to the
2929 companies for which the employees perform services. The salary
2930 allocation is based on the amount of time during the tax year
2931 that the individual employee spends performing services or
2932 otherwise working for each company over the total amount of time
2933 the employee spends performing services or otherwise working for
2934 all companies. The total amount of salary allocated to an
2935 insurance company within the affiliated group shall be included
2936 as that insurer's employee salaries for purposes of this section.

2937 a. Except as provided in subparagraph (a)2. ~~subparagraph~~
2938 ~~2-~~, the term "affiliated group of corporations" means two or more
2939 corporations that are entirely owned by a single corporation and
2940 that constitute an affiliated group of corporations as defined in

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2941 s. 1504(a) of the Internal Revenue Code.

2942 b. The term "service company" means a separate corporation
2943 within the affiliated group of corporations whose employees
2944 provide services to affiliated group members and which are
2945 treated as service company employees for unemployment
2946 compensation and common law purposes. The holding company of an
2947 affiliated group may not qualify as a service company. An
2948 insurance company may not qualify as a service company.

2949 c. If an insurance company fails to substantiate, whether
2950 by means of adequate records or otherwise, its eligibility to
2951 claim the service company exception under this section, or its
2952 salary allocation under this section, no credit shall be allowed.

2953 5. A service company that is a subsidiary of a mutual
2954 insurance holding company, which mutual insurance holding company
2955 was in existence on or before January 1, 2000, shall allocate the
2956 salary of each service company employee covered by contracts with
2957 members of the mutual insurance holding company system to the
2958 companies for which the employees perform services. The salary
2959 allocation is based on the ratio of the amount of time during the
2960 tax year which the individual employee spends performing services
2961 or otherwise working for each company to the total amount of time
2962 the employee spends performing services or otherwise working for
2963 all companies. The total amount of salary allocated to an
2964 insurance company within the mutual insurance holding company
2965 system shall be included as that insurer's employee salaries for
2966 purposes of this section. However, this subparagraph does not
2967 apply for any tax year unless funds sufficient to offset the
2968 anticipated salary credits have been appropriated to the General
2969 Revenue Fund prior to the due date of the final return for that
2970 year.

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2971 a. The term "mutual insurance holding company system" means
2972 two or more corporations that are subsidiaries of a mutual
2973 insurance holding company and in compliance with part IV of
2974 chapter 628.

2975 b. The term "service company" means a separate corporation
2976 within the mutual insurance holding company system whose
2977 employees provide services to other members of the mutual
2978 insurance holding company system and are treated as service
2979 company employees for unemployment compensation and common-law
2980 purposes. The mutual insurance holding company may not qualify as
2981 a service company.

2982 c. If an insurance company fails to substantiate, whether
2983 by means of adequate records or otherwise, its eligibility to
2984 claim the service company exception under this section, or its
2985 salary allocation under this section, no credit shall be allowed.
2986

2987 Reviser's note.--Amended to correct a reference and
2988 conform to context; subparagraph (5)(b)2. does not
2989 reference affiliated groups of corporations; they are
2990 covered in subparagraph (5)(a)2.
2991

2992 Section 84. Paragraph (d) of subsection (3) of section
2993 624.91, Florida Statutes, is repealed.
2994

2995 Reviser's note.--The cited paragraph, which authorizes
2996 certain enrollees in the Healthy Kids program as of
2997 January 31, 2004, to remain eligible until January 1,
2998 2005, has served its purpose.
2999

3000 Section 85. Paragraph (d) of subsection (2) of section

3001 626.8411, Florida Statutes, is repealed.

3002
3003 Reviser's note.--The cited paragraph, which provides
3004 that s. 626.592 does not apply to title insurance
3005 agents or agencies, is obsolete; s. 626.592 was
3006 repealed by s. 32, ch. 2005-257, Laws of Florida.

3007
3008 Section 86. Paragraph (b) of subsection (4) of section
3009 626.9911, Florida Statutes, is amended to read:

3010 626.9911 Definitions.--As used in this act, the term:

3011 (4) "Life expectancy provider" means a person who
3012 determines, or holds himself or herself out as determining, life
3013 expectancies or mortality ratings used to determine life
3014 expectancies:

3015 (b) In connection with a viatical settlement investment,
3016 pursuant to s. 517.021(23) ~~517.021(22)~~; or

3017
3018 Reviser's note.--Amended to correct a reference and
3019 conform to context. Section 517.021(22) defines
3020 "underwriter"; s. 517.021(23) defines "viatical
3021 settlement investment."

3022
3023 Section 87. Paragraph (d) of subsection (6) of section
3024 627.351, Florida Statutes, is amended to read:

3025 627.351 Insurance risk apportionment plans.--

3026 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

3027 (d)1. It is the intent of the Legislature that the rates
3028 for coverage provided by the corporation be actuarially sound and
3029 not competitive with approved rates charged in the admitted
3030 voluntary market, so that the corporation functions as a residual

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3031 market mechanism to provide insurance only when the insurance
3032 cannot be procured in the voluntary market. Rates shall include
3033 an appropriate catastrophe loading factor that reflects the
3034 actual catastrophic exposure of the corporation.

3035 2. For each county, the average rates of the corporation
3036 for each line of business for personal lines residential policies
3037 excluding rates for wind-only policies shall be no lower than the
3038 average rates charged by the insurer that had the highest average
3039 rate in that county among the 20 insurers with the greatest total
3040 direct written premium in the state for that line of business in
3041 the preceding year, except that with respect to mobile home
3042 coverages, the average rates of the corporation shall be no lower
3043 than the average rates charged by the insurer that had the
3044 highest average rate in that county among the 5 insurers with the
3045 greatest total written premium for mobile home owner's policies
3046 in the state in the preceding year.

3047 3. Rates for personal lines residential wind-only policies
3048 must be actuarially sound and not competitive with approved rates
3049 charged by authorized insurers. Corporation rate manuals shall
3050 include a rate surcharge for seasonal occupancy. To ensure that
3051 personal lines residential wind-only rates are not competitive
3052 with approved rates charged by authorized insurers, the
3053 corporation, in conjunction with the office, shall develop a
3054 wind-only ratemaking methodology, which methodology shall be
3055 contained in each rate filing made by the corporation with the
3056 office. If the office determines that the wind-only rates or
3057 rating factors filed by the corporation fail to comply with the
3058 wind-only ratemaking methodology provided for in this subsection,
3059 it shall so notify the corporation and require the corporation to
3060 amend its rates or rating factors to come into compliance within

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90 days of notice from the office.

4. For the purposes of establishing a pilot program to evaluate issues relating to the availability and affordability of insurance in an area where historically there has been little market competition, the provisions of subparagraph 2. do not apply to coverage provided by the corporation in Monroe County if the office determines that a reasonable degree of competition does not exist for personal lines residential policies. The provisions of subparagraph 3. do not apply to coverage provided by the corporation in Monroe County if the office determines that a reasonable degree of competition does not exist for personal lines residential policies in the area of that county which is eligible for wind-only coverage. In this county, the rates for personal lines residential coverage shall be actuarially sound and not excessive, inadequate, or unfairly discriminatory and are subject to the other provisions of the paragraph and s. 627.062. The commission shall adopt rules establishing the criteria for determining whether a reasonable degree of competition exists for personal lines residential policies in Monroe County. By March 1, 2006, the office shall submit a report to the Legislature providing an evaluation of the implementation of the pilot program affecting Monroe County.

5. Rates for commercial lines coverage shall not be subject to the requirements of subparagraph 2., but shall be subject to all other requirements of this paragraph and s. 627.062.

6. Nothing in this paragraph shall require or allow the corporation to adopt a rate that is inadequate under s. 627.062.

7. The corporation shall certify to the office at least twice annually that its personal lines rates comply with the requirements of subparagraphs 1. and 2. If any adjustment in the

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3091 rates or rating factors of the corporation is necessary to ensure
3092 such compliance, the corporation shall make and implement such
3093 adjustments and file its revised rates and rating factors with
3094 the office. If the office thereafter determines that the revised
3095 rates and rating factors fail to comply with the provisions of
3096 subparagraphs 1. and 2., it shall notify the corporation and
3097 require the corporation to amend its rates or rating factors in
3098 conjunction with its next rate filing. The office must notify the
3099 corporation by electronic means of any rate filing it approves
3100 for any insurer among the insurers referred to in subparagraph 2.

3101 8. In addition to the rates otherwise determined pursuant
3102 to this paragraph, the corporation shall impose and collect an
3103 amount equal to the premium tax provided for in s. 624.509 to
3104 augment the financial resources of the corporation.

3105 9.a. To assist the corporation in developing additional
3106 ratemaking methods to assure compliance with subparagraphs 1. and
3107 5. ~~4.~~, the corporation shall appoint a rate methodology panel
3108 consisting of one person recommended by the Florida Association
3109 of Insurance Agents, one person recommended by the Professional
3110 Insurance Agents of Florida, one person recommended by the
3111 Florida Association of Insurance and Financial Advisors, one
3112 person recommended by the insurer with the highest voluntary
3113 market share of residential property insurance business in the
3114 state, one person recommended by the insurer with the second-
3115 highest voluntary market share of residential property insurance
3116 business in the state, one person recommended by an insurer
3117 writing commercial residential property insurance in this state,
3118 one person recommended by the Office of Insurance Regulation, and
3119 one board member designated by the board chairman, who shall
3120 serve as chairman of the panel.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

3121 b. By January 1, 2004, the rate methodology panel shall
3122 provide a report to the corporation of its findings and
3123 recommendations for the use of additional ratemaking methods and
3124 procedures, including the use of a rate equalization surcharge in
3125 an amount sufficient to assure that the total cost of coverage
3126 for policyholders or applicants to the corporation is sufficient
3127 to comply with subparagraph 1.

3128 c. Within 30 days after such report, the corporation shall
3129 present to the President of the Senate, the Speaker of the House
3130 of Representatives, the minority party leaders of each house of
3131 the Legislature, and the chairs of the standing committees of
3132 each house of the Legislature having jurisdiction of insurance
3133 issues, a plan for implementing the additional ratemaking methods
3134 and an outline of any legislation needed to facilitate use of the
3135 new methods.

3136 d. The plan must include a provision that producer
3137 commissions paid by the corporation shall not be calculated in
3138 such a manner as to include any rate equalization surcharge.
3139 However, without regard to the plan to be developed or its
3140 implementation, producer commissions paid by the corporation for
3141 each account, other than the quota share primary program, shall
3142 remain fixed as to percentage, effective rate, calculation, and
3143 payment method until January 1, 2004.

3144 10. By January 1, 2004, the corporation shall develop a
3145 notice to policyholders or applicants that the rates of Citizens
3146 Property Insurance Corporation are intended to be higher than the
3147 rates of any admitted carrier and providing other information the
3148 corporation deems necessary to assist consumers in finding other
3149 voluntary admitted insurers willing to insure their property.

Reviser's note.--Amended to conform to the redesignation of subparagraph (6)(d)4. as subparagraph (6)(d)5. by s. 7, ch. 2005-111, Laws of Florida.

Section 88. Paragraph (d) of subsection (6) of section 627.3511, Florida Statutes, is amended to read:

627.3511 Depopulation of Citizens Property Insurance Corporation.--

(6) COMMERCIAL RESIDENTIAL TAKE-OUT PLANS.--

(d) The calculation of an insurer's regular assessment liability under s. 627.351(6)(b)3.a. and b. ~~627.351(b)3.a. and b.~~, but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.d., shall, with respect to commercial residential policies removed from the corporation under an approved take-out plan, exclude such removed policies for the succeeding 3 years, as follows:

1. In the first year following removal of the policies, the policies are excluded from the calculation to the extent of 100 percent.

2. In the second year following removal of the policies, the policies are excluded from the calculation to the extent of 75 percent.

3. In the third year following removal of the policies, the policies are excluded from the calculation to the extent of 50 percent.

Reviser's note.--Amended to correct a reference and conform to context. The cite to s. 627.351(b)3.a. and b. does not reference the subsection within s. 627.351 where the referenced material is located; based on

context, a reference to s. 627.351(6)(b)3.a. and b., relating to levy of assessments on assessable insurers with specified deficits, was substituted for the incomplete cite.

Section 89. Subsection (1) of section 627.6418, Florida Statutes, is amended to read:

627.6418 Coverage for mammograms.--

(1) An accident or health insurance policy issued, amended, delivered, or renewed in this state must provide coverage for at least the following:

(a) A baseline mammogram for any woman who is 35 years of age or older, but younger than 40 years of age.

(b) A mammogram every 2 years for any woman who is 40 years of age or older, but younger than 50 years of age, or more frequently based on the patient's physician's recommendation.

(c) A mammogram every year for any woman who is 50 years of age or older.

(d) One or more mammograms a year, based upon a physician's recommendation, for any woman who is at risk for breast cancer because of a personal or family history of breast cancer, because of having a history of biopsy-proven benign breast disease, because of having a mother, sister, or daughter who has or has had breast cancer, or because a woman has not given birth before the age of 30.

~~It is the intent of the Legislature that, when practice parameters for the delivery of mammography services are developed pursuant to s. 408.02(7), the Legislature review the requirements of this section and conform to the practice parameters.~~

Reviser's note.--Amended to delete a provision that has served its purpose. The practice parameters to be reviewed were to be developed pursuant to s. 408.02(7), which was repealed by s. 42, ch. 2004-297, Laws of Florida.

Section 90. Subsection (1) of section 627.6613, Florida Statutes, is amended to read:

627.6613 Coverage for mammograms.--

(1) A group, blanket, or franchise accident or health insurance policy issued, amended, delivered, or renewed in this state must provide coverage for at least the following:

(a) A baseline mammogram for any woman who is 35 years of age or older, but younger than 40 years of age.

(b) A mammogram every 2 years for any woman who is 40 years of age or older, but younger than 50 years of age, or more frequently based on the patient's physician's recommendation.

(c) A mammogram every year for any woman who is 50 years of age or older.

(d) One or more mammograms a year, based upon a physician's recommendation, for any woman who is at risk for breast cancer because of a personal or family history of breast cancer, because of having a history of biopsy-proven benign breast disease, because of having a mother, sister, or daughter who has or has had breast cancer, or because a woman has not given birth before the age of 30.

~~It is the intent of the Legislature that, when practice parameters for the delivery of mammography services are developed~~

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~~pursuant to s. 408.02(7), the Legislature review the requirements of this section and conform to the practice parameters.~~

Reviser's note.--Amended to delete a provision that has served its purpose. The practice parameters to be reviewed were to be developed pursuant to s. 408.02(7), which was repealed by s. 42, ch. 2004-297, Laws of Florida.

Section 91. Section 627.711, Florida Statutes, is amended to read:

627.711 Notice of premium discounts for hurricane loss mitigation.--Using a form prescribed by the Office of Insurance Regulation, the insurer shall clearly notify the applicant or policyholder of any personal lines residential property insurance policy, at the time of the issuance of the policy and at each renewal, of the availability and the range of each premium discount, credit, other rate differential, or reduction in deductibles for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm can be or have been installed or implemented. The prescribed form shall describe generally what actions the policyholders may be able to take to reduce their windstorm premium. The prescribed form and a list of such ranges approved by the office for each insurer licensed in the state and providing such discounts, credits, other rate differentials, or reductions in deductibles for properties described in this subsection shall be available for electronic viewing and download from the Department of Financial Services' or the Office of Insurance Regulation's Internet website. The Financial Services

Commission may adopt rules to implement this subsection.

Reviser's note.--Amended to confirm the insertion by the editors of the word "be" following the word "can" to improve clarity.

Section 92. Paragraph (a) of subsection (5) of section 627.7295, Florida Statutes, is amended to read:

627.7295 Motor vehicle insurance contracts.--

(5)(a) A licensed general lines agent may charge a per-policy fee not to exceed \$10 to cover the administrative costs of the agent associated with selling the motor vehicle insurance policy if the policy covers only personal injury protection coverage as provided by s. 627.736 and property damage liability coverage as provided by s. 627.7275 and if no other insurance is sold or issued in conjunction with or collateral to the policy. The fee is not considered part of the premium.

Reviser's note.--Amended to reinsert language inadvertently deleted during the 2005 editorial process.

Section 93. Section 633.026, Florida Statutes, is amended to read:

633.026 Informal interpretations of the Florida Fire Prevention Code.--The Division of State Fire Marshal shall by rule establish an informal process of rendering nonbinding interpretations of the Florida Fire Prevention Code. The Division of State Fire Marshal may contract with and refer interpretive issues to a nonprofit organization that has experience in

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3301 interpreting and enforcing the Florida Fire Prevention Code. The
3302 Division of State Fire Marshal shall immediately implement the
3303 process prior to the completion of formal rulemaking. It is the
3304 intent of the Legislature that the Division of State Fire Marshal
3305 create a process to refer questions to a small group of
3306 individuals certified under s. 633.081(2), to which a party can
3307 pose questions regarding the interpretation of code provisions.
3308 It is the intent of the Legislature that the process provide for
3309 the expeditious resolution of the issues presented and
3310 publication of the resulting interpretation on the website of the
3311 Division of State Fire Marshal. It is the intent of the
3312 Legislature that this program be similar to the program
3313 established by the Florida Building Commission in s.
3314 553.775(3)(g) ~~553.77(7)~~. Such interpretations shall be advisory
3315 only and nonbinding on the parties or the State Fire Marshal. In
3316 order to administer this section, the department may adopt by
3317 rule and impose a fee for nonbinding interpretations, with
3318 payment made directly to the third party. The fee may not exceed
3319 \$150 for each request for a review or interpretation.

3320
3321 Reviser's note.--Amended to conform to the deletion of
3322 s. 553.77(7) by s. 8, ch. 2005-147, Laws of Florida,
3323 and the addition of substantially similar language at
3324 s. 553.775(3)(g) by s. 9, ch. 2005-147.

3325
3326 Section 94. Subsection (3) of section 633.539, Florida
3327 Statutes, is amended to read:

3328 633.539 Requirements for installation, inspection, and
3329 maintenance of fire protection systems.--

3330 (3) For contracts written after June 30, 2005, the

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contractor who installs the underground piping from the point of service is responsible for completing the installation to the aboveground connection flange, which by definition in this chapter is no more than 1 foot above the finished floor, before completing the Contractor's Material and Test Certificate for Underground Piping document. Aboveground contractors may not complete the Contractor's Material and Test Certificate for Underground Piping document for underground piping or portions thereof which have been installed by others.

Reviser's note.--Amended to confirm the insertion by the editors of the word "piping" following the word "underground" to improve clarity.

Section 95. Section 634.021, Florida Statutes, is amended to read:

634.021 Powers of department, commission, and office; rules.--The office shall administer this act and the commission may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this act related to motor vehicle service agreement companies and motor vehicle service agreements. The department shall administer this act and may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of this act related to sales representatives.

Reviser's note.--Amended to improve clarity and conform to the designation of companies that provide motor vehicle service agreement products throughout part I of chapter 634.

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3361 Section 96. Paragraph (a) of subsection (13) of section
3362 634.401, Florida Statutes, is amended to read:

3363 634.401 Definitions.--As used in this part, the term:

3364 (13) "Service warranty" means any warranty, guaranty,
3365 extended warranty or extended guaranty, maintenance service
3366 contract equal to or greater than 1 year in length or which does
3367 not meet the exemption in paragraph (a), contract agreement, or
3368 other written promise for a specific duration to perform the
3369 repair, replacement, or maintenance of a consumer product, or for
3370 indemnification for repair, replacement, or maintenance, for
3371 operational or structural failure due to a defect in materials or
3372 workmanship, normal wear and tear, power surge, or accidental
3373 damage from handling in return for the payment of a segregated
3374 charge by the consumer; however:

3375 (a) Maintenance service contracts written for less than 1
3376 year which do not contain provisions for indemnification and
3377 which do not provide a discount to the consumer for any
3378 combination of parts and labor in excess of 20 percent during the
3379 effective period of such contract, motor vehicle service
3380 agreements, transactions exempt under s. 624.125, and home
3381 warranties subject to regulation under part ~~parts I and II~~ of
3382 this chapter are excluded from this definition;

3383
3384 Reviser's note.--Amended to correct a reference and
3385 conform to context. Part II of chapter 634 regulates
3386 home warranty associations; part I of chapter 634
3387 regulates motor vehicle service agreement companies.
3388

3389 Section 97. Subsection (2) of section 636.223, Florida
3390 Statutes, is amended to read:

3391 636.223 Administrative penalty.--In lieu of suspending or
3392 revoking a certificate of authority whenever any discount medical
3393 plan organization has been found to have violated any provision
3394 of this part, the office may:

3395 (2) Impose a monetary penalty of not less than ~~that~~ \$100
3396 for each violation, but not to exceed an aggregate penalty of
3397 \$75,000.

3398
3399 Reviser's note.--Amended to confirm the substitution by
3400 the editors of the word "than" for the word "that" to
3401 conform to context and improve clarity.

3402
3403 Section 98. Paragraph (a) of subsection (40) of section
3404 641.31, Florida Statutes, is amended to read:

3405 641.31 Health maintenance contracts.--

3406 (40)(a) Any group rate, rating schedule, or rating manual
3407 for a health maintenance organization policy, which provides
3408 creditable coverage as defined in s. 627.6561(5), filed with the
3409 office shall provide for an appropriate rebate of premiums paid
3410 in the last policy year, contract year, or calendar year when the
3411 majority of members of a health plan are enrolled in and have
3412 maintained participation in any health wellness, maintenance, or
3413 improvement program offered by the group contract holder. The
3414 group must provide evidence of demonstrative maintenance or
3415 improvement of his or her health status as determined by
3416 assessments of agreed-upon health status indicators between the
3417 group and the health insurer, including, but not limited to,
3418 reduction in weight, body mass index, and smoking cessation. Any
3419 rebate provided by the health maintenance organization is
3420 presumed to be appropriate unless credible data demonstrates

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otherwise, or unless the rebate program requires the insured to incur costs to qualify for the rebate which equals or exceeds the value of the rebate but the rebate may not exceed 10 percent of paid premiums.

Reviser's note.--Amended to confirm the insertion by the editors of the word "have" following the word "and" to improve clarity.

Section 99. Subsection (4) of section 658.12, Florida Statutes, is amended to read:

658.12 Definitions.--Subject to other definitions contained in the financial institutions codes and unless the context otherwise requires:

(4) "Branch" or "branch office" of a bank means any office or place of business of a bank, other than its main office and the facilities and operations authorized by ss. 658.26(4) ~~658.26(5)~~, 658.65, and 660.33, at which deposits are received, checks are paid, or money is lent. With respect to a bank which has a trust department, the terms "branch" and "branch office" have the meanings herein ascribed to a branch or a branch office of a trust company. "Branch" or "branch office" of a trust company means any office or place of business of a trust company, other than its main office and its trust service offices established pursuant to s. 660.33, where trust business is transacted with its customers.

Reviser's note.--Amended to conform to the redesignation of s. 658.26(5), relating to armored car services, to s. 658.26(4) by s. 15, ch. 2004-340, Laws

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of Florida, and s. 98, ch. 2004-390, Laws of Florida.

Section 100. Section 694.16, Florida Statutes, is amended to read:

694.16 Conveyances by merger or conversion of business entities.--As to any merger or conversion of business entities prior to June 15, 2000, the title to all real estate, or any interest therein, owned by a business entity that was a party to a merger or a conversion is vested in the surviving entity without reversion or impairment, notwithstanding the requirement of a deed which was previously required by s. 607.11101, s. 608.4383, former s. 620.204, former s. 620.8904, or former s. 620.8906.

Reviser's note.--Amended to conform to the repeal of ss. 620.204, 620.8904, and 620.8906 by s. 25, ch. 2005-267, Laws of Florida.

Section 101. Paragraph (b) of subsection (2) of section 721.13, Florida Statutes, is amended to read:

721.13 Management.--

(2)

(b) The managing entity shall invest the operating and reserve funds of the timeshare plan in accordance with s. 518.11(1); however, the managing entity shall give safety of capital greater weight than production of income. In no event shall the managing entity invest timeshare plan funds with a developer or with any entity that is not independent of any developer or any managing entity within the meaning of s. 721.05(22) ~~721.05(20)~~, and in no event shall the managing entity

invest timeshare plan funds in notes and mortgages related in any way to the timeshare plan.

Reviser's note.--Amended to conform to the redesignation of s. 721.05(20), defining the term "managing entity," as s. 721.05(22) by s. 3, ch. 2004-279, Laws of Florida.

Section 102. Subsection (6) of section 732.103, Florida Statutes, is amended to read:

732.103 Share of other heirs.--The part of the intestate estate not passing to the surviving spouse under s. 732.102, or the entire intestate estate if there is no surviving spouse, descends as follows:

(6) If none of the foregoing, and if any of the descendants of the decedent's great-grandparents were Holocaust victims as defined in s. 626.9543(3)(a) ~~626.9543(3)(b)~~, including such victims in countries cooperating with the discriminatory policies of Nazi Germany, then to the lineal descendants of the great-grandparents. The court shall allow any such descendant to meet a reasonable, not unduly restrictive, standard of proof to substantiate his or her lineage. This subsection only applies to escheated property and shall cease to be effective for proceedings filed after December 31, 2004.

Reviser's note.--Amended to conform to the redesignation of s. 626.9543(3)(b) as s. 626.9543(3)(a) by s. 76, ch. 2004-390, Laws of Florida.

Section 103. Subsection (1) of section 739.104, Florida

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Statutes, is amended to read:

739.104 Power to disclaim; general requirements; when irrevocable.--

(1) A person may disclaim, in whole or in part, conditionally or unconditionally, any interest in or power over property, including a power of ~~or~~ appointment. A person may disclaim the interest or power even if its creator imposed a spendthrift provision or similar restriction on transfer or a restriction or limitation on the right to disclaim. A disclaimer shall be unconditional unless the disclaimant explicitly provides otherwise in the disclaimer.

Reviser's note.--Amended to conform to context.

Section 104. Subsection (1) and paragraph (d) of subsection (5) of section 765.101, Florida Statutes, are amended to read:

765.101 Definitions.--As used in this chapter:

(1) "Advance directive" means a witnessed written document or oral statement in which instructions are given by a principal or in which the principal's desires are expressed concerning any aspect of the principal's health care, and includes, but is not limited to, the designation of a health care surrogate, a living will, or an anatomical gift made pursuant to part V ~~X~~ of chapter 765 ~~732~~.

(5) "Health care decision" means:

(d) The decision to make an anatomical gift pursuant to part V ~~X~~ of chapter 765 ~~732~~.

Reviser's note.--Amended to conform to the transfer of material in former part X of chapter 732 to part V of

chapter 765 pursuant to ch. 2001-226, Laws of Florida.

Section 105. Subsection (23) of section 774.203, Florida Statutes, is amended to read:

774.203 Definitions.--As used in this act, the term:

(23) "Qualified physician" means a medical doctor, who:

(a) Is a board-certified pathologist licensed to practice and actively practices in this country who performed services requested or authorized by a physician who:

1. Has conducted a physical examination of the exposed person or, if the person is deceased, has reviewed all available records relating to the exposed person's medical condition;

2. Is actually treating or has treated the exposed person, and has or had a doctor-patient relationship with the person; and

3. Is licensed to practice and actively practices in this country; or

(b) Is a board-certified oncologist, pulmonary specialist, or specialist in occupational and environmental medicine who:

1. Has conducted a physical examination of the exposed person or, if the person is deceased, has reviewed all available records relating to the exposed person's medical condition;

2. Is actually treating or has treated the exposed person, and has or had a doctor-patient relationship with the person; and

3. Is licensed to practice and actively practices in this country.

Reviser's note.--Amended to confirm the insertion by the editors of the word "has" following the word "or" to improve clarity.

Section 106. Paragraph (f) of subsection (2) of section 774.204, Florida Statutes, is amended to read:

774.204 Physical impairment.--

(2) A person may not file or maintain a civil action alleging a nonmalignant asbestos claim in the absence of a prima facie showing of physical impairment as a result of a medical condition to which exposure to asbestos was a substantial contributing factor. The prima facie showing must include all of the following requirements:

(f) A determination by a qualified physician that asbestosis or diffuse pleural thickening, rather than chronic obstructive pulmonary disease, is a substantial contributing factor to the exposed person's physical impairment, based at a minimum on a determination that the exposed person has:

1. Total lung capacity, by plethysmography or timed gas dilution, below the predicted lower limit of normal;

2. Forced vital capacity below the lower limit of normal and a ratio of FEV1 to FVC that is equal to or greater than the predicted lower limit of normal; or

3. A chest X ray showing small, irregular opacities (s, t, u) graded by a certified B-reader as at least 2/1 on the ILO scale.

Reviser's note.--Amended to confirm the insertion by the editors of the word "as" following the term "certified B-reader" to improve clarity.

Section 107. Subsection (3) of section 774.205, Florida Statutes, is amended to read:

774.205 Claimant proceedings.--

(3) All asbestos claims and silica claims filed in this state on or after the effective date of this act must include, in addition to the written report described in subsection (2) ~~subsection (3) of section 5~~ and the information required by s. 774.207(2), a sworn information form containing the following information:

(a) The claimant's name, address, date of birth, and marital status;

(b) If the claimant alleges exposure to asbestos or silica through the testimony of another person or alleges other than direct or bystander exposure to a product, the name, address, date of birth, and marital status for each person by which the claimant alleges exposure, hereinafter the "index person," and the claimant's relationship to each such person;

(c) The specific location of each alleged exposure;

(d) The beginning and ending dates of each alleged exposure as to each asbestos product or silica product for each location at which exposure allegedly took place for the plaintiff and each index person;

(e) The occupation and name of the employer of the exposed person at the time of each alleged exposure;

(f) The specific condition related to asbestos or silica claimed to exist; and

(g) Any supporting documentation of the condition claimed to exist.

Reviser's note.--The introductory paragraph of subsection (3) is amended to confirm the substitution of a reference to "subsection (2)" for a reference to "subsection (3) of section 5" of ch. 2005-274, Laws of

3631 Florida. Subsection (2) describes the written report.
3632 Paragraph (3)(b) is amended to confirm the insertion by
3633 the editors of the word "and" following the word
3634 "birth" to improve clarity.

3635
3636 Section 108. Paragraph (b) of subsection (1) of section
3637 774.208, Florida Statutes, is amended to read:

3638 774.208 Liability rules applicable to protect sellers,
3639 renters, and lessors.--

3640 (1)

3641 (b) For the purpose of sub-subparagraph (a)1.b. ~~sub-~~
3642 ~~subparagraph 1.b.~~, a product seller may not be considered to have
3643 failed to exercise reasonable care with respect to a product
3644 based upon an alleged failure to inspect the product, if:

3645 1. The failure occurred because there was no reasonable
3646 opportunity to inspect the product; or

3647 2. The inspection, in the exercise of reasonable care,
3648 would not have revealed the aspect of the product which allegedly
3649 caused the exposed person's impairment.

3650

3651 Reviser's note.--Amended to confirm the substitution by
3652 the editors of a reference to sub-subparagraph (a)1.b.
3653 for a reference to sub-subparagraph 1.b. Paragraph (b)
3654 does not contain a sub-subparagraph 1.b.; sub-
3655 subparagraph (a)1.b., relating to failure of a product
3656 seller to use reasonable care with respect to the
3657 product, conforms to context.

3658

3659 Section 109. Paragraph (b) of subsection (4) of section
3660 784.046, Florida Statutes, is amended to read:

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784.046 Action by victim of repeat violence, sexual violence, or dating violence for protective injunction; powers and duties of court and clerk of court; filing and form of petition; notice and hearing; temporary injunction; issuance; statewide verification system; enforcement.--

(4)

(b) The sworn petition must be in substantially the following form:

PETITION FOR INJUNCTION FOR PROTECTION
AGAINST REPEAT VIOLENCE, SEXUAL
VIOLENCE, OR DATING VIOLENCE

Before me, the undersigned authority, personally appeared Petitioner (Name) , who has been sworn and says that the following statements are true:

1. Petitioner resides at (address) (A petitioner for an injunction for protection against sexual violence may furnish an address to the court in a separate confidential filing if, for safety reasons, the petitioner requires the location of his or her current residence to be confidential pursuant to s.

119.071(2)(j) ~~119.07(6)(s)~~, Florida Statutes.)

2. Respondent resides at (address)

3.a. Petitioner has suffered repeat violence as demonstrated by the fact that the respondent has:

(enumerate incidents of violence)

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b. Petitioner has suffered sexual violence as demonstrated by the fact that the respondent has: (enumerate incident of violence and include incident report number from law enforcement agency or attach notice of inmate release.)

c. Petitioner is a victim of dating violence and has reasonable cause to believe that he or she is in imminent danger of becoming the victim of another act of dating violence or has reasonable cause to believe that he or she is in imminent danger of becoming a victim of dating violence, as demonstrated by the fact that the respondent has: (list the specific incident or incidents of violence and describe the length of time of the relationship, whether it has been in existence during the last 6 months, the nature of the relationship of a romantic or intimate nature, the frequency and type of interaction, and any other facts that characterize the relationship.)

4. Petitioner genuinely fears repeat violence by the respondent.

5. Petitioner seeks: an immediate injunction against the respondent, enjoining him or her from committing any further acts

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of violence; an injunction enjoining the respondent from committing any further acts of violence; and an injunction providing any terms the court deems necessary for the protection of the petitioner and the petitioner's immediate family, including any injunctions or directives to law enforcement agencies.

Reviser's note.--Amended to conform to the redesignation of s. 119.07(6)(s) as s. 119.071(2)(j) by s. 17, ch. 2005-251, Laws of Florida.

Section 110. Paragraph (p) of subsection (3) of section 790.25, Florida Statutes, is amended to read:

790.25 Lawful ownership, possession, and use of firearms and other weapons.--

(3) LAWFUL USES.--The provisions of ss. 790.053 and 790.06 do not apply in the following instances, and, despite such sections, it is lawful for the following persons to own, possess, and lawfully use firearms and other weapons, ammunition, and supplies for lawful purposes:

(p) Investigators employed by the capital collateral regional counsel ~~representative~~, while actually carrying out official duties, provided such investigators:

1. Are employed full time;
2. Meet the official training standards for firearms as established by the Criminal Justice Standards and Training Commission as provided in s. 943.12(1) and the requirements of ss. 493.6108(1)(a) and 943.13(1)-(4); and
3. Are individually designated by an affidavit of consent signed by the capital collateral regional counsel ~~representative~~

and filed with the clerk of the circuit court in the county in which the investigator is headquartered.

Reviser's note.--Amended to conform to the replacement of the capital collateral representative with capital collateral regional counsel in s. 27.701 by s. 1, ch. 97-313, Laws of Florida.

Section 111. Paragraph (e) of subsection (2) of section 872.05, Florida Statutes, is amended to read:

872.05 Unmarked human burials.--

(2) DEFINITIONS.--As used in this section:

(e) "State Archaeologist" means the person employed by the division pursuant to s. 267.031(7) ~~267.031(6)~~.

Reviser's note.--Amended to conform to the redesignation of s. 267.031(6) as s. 267.031(7) by s. 1, ch. 2004-91, Laws of Florida.

Section 112. Paragraph (c) of subsection (1) of section 895.09, Florida Statutes, is amended to read:

895.09 Disposition of funds obtained through forfeiture proceedings.--

(1) A court entering a judgment of forfeiture in a proceeding brought pursuant to s. 895.05 shall retain jurisdiction to direct the distribution of any cash or of any cash proceeds realized from the forfeiture and disposition of the property. The court shall direct the distribution of the funds in the following order of priority:

(c) Any claim by the Board of Trustees of the Internal

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Improvement Trust Fund on behalf of the Internal Improvement Trust Fund or the Land Acquisition Trust Fund pursuant to s. 253.03(12) ~~253.03(13)~~, not including administrative costs of the Department of Environmental Protection previously paid directly from the Internal Improvement Trust Fund in accordance with legislative appropriation.

Reviser's note.--Amended to conform to the redesignation of s. 253.03(13) as s. 253.03(12) by s. 22, ch. 2004-234, Laws of Florida.

Section 113. Paragraph (c) of subsection (1) of section 938.29, Florida Statutes, is amended to read:

938.29 Legal assistance; lien for payment of attorney's fees or costs.--

(1)

(c) The defendant shall pay the application fee under s. 27.52(1)(b) ~~27.52(2)(a)~~ and attorney's fees and costs in full or in installments, at the time or times specified. The court may order payment of the assessed application fee and attorney's fees and costs as a condition of probation, of suspension of sentence, or of withholding the imposition of sentence. Attorney's fees and costs collected under this section shall be deposited into the General Revenue Fund.

Reviser's note.--Amended to conform to the substantial rewording of s. 27.52 by s. 3, ch. 2005-236, Laws of Florida; the application fee requirement is now in s. 27.52(1)(b).

3811 Section 114. Section 943.04353, Florida Statutes, is
3812 amended to read:

3813 943.04353 Triennial study of sexual predator and sexual
3814 offender registration and notification procedures.--The Office of
3815 Program Policy Analysis and Government Accountability shall,
3816 every 3 years, perform a study of the effectiveness of Florida's
3817 sexual predator and sexual offender registration process and
3818 community and public notification provisions. As part of
3819 determining the effectiveness of the registration process, OPPAGA
3820 shall examine the current practices of: the Department of
3821 Corrections, county probation offices, clerk of courts, court
3822 administrators, county jails and booking facilities, Department
3823 of Children and Family Services, judges, state attorneys'
3824 offices, Department of Highway Safety and Motor Vehicles,
3825 Department of Law Enforcement, and local law enforcement agencies
3826 as they relate to: sharing of offender information regarding
3827 registered sexual predators and sexual offenders for purposes of
3828 fulfilling the requirements set forth ~~fourth~~ in the registration
3829 laws; ensuring the most accurate, current, and comprehensive
3830 information is provided in a timely manner to the registry;
3831 ensuring the effective supervision and subsequent monitoring of
3832 sexual predators and offenders; and ensuring informed decisions
3833 are made at each point of the criminal justice and registration
3834 process. In addition to determining the effectiveness of the
3835 registration process, the report shall focus on the question of
3836 whether the notification provisions in statute are sufficient to
3837 apprise communities of the presence of sexual predators and
3838 sexual offenders. The report shall examine how local law
3839 enforcement agencies collect and disseminate information in an
3840 effort to notify the public and communities of the presence of

sexual predators and offenders. If the report finds deficiencies in the registration process, the notification provisions, or both, the report shall provide options for correcting those deficiencies and shall include the projected cost of implementing those options. In conducting the study, the Office of Program Policy Analysis and Government Accountability shall consult with the Florida Council Against Sexual Violence and the Florida Association for the Treatment of Sexual Abusers in addition to other interested entities that may offer experiences and perspectives unique to this area of research. The report shall be submitted to the President of the Senate and the Speaker of the House of Representatives by January 1, 2006.

Reviser's note.--Amended to confirm the substitution by the editors of the word "forth" for the word "fourth" to conform to context.

Section 115. Subsection (4) of section 948.012, Florida Statutes, is amended to read:

948.012 Split sentence of probation or community control and imprisonment.--

(4) Effective for offenses committed on or after September 1, 2005, the court must impose a split sentence pursuant to subsection (1) for any person who is convicted of a life felony for lewd and lascivious molestation pursuant to s. 800.04(5)(b) if the court imposes a term of years in accordance with s. 775.082(3)(a)4.b. ~~775.082(3)4.b.~~ rather than life imprisonment. The probation or community control portion of the split sentence imposed by the court for a defendant must extend for the duration of the defendant's natural life and include a condition that he

or she be electronically monitored.

Reviser's note.--Amended to correct a reference.

Section 4, ch. 2005-28, Laws of Florida, added subparagraph (3)(a)4., relating to punishment for conviction of a life felony committed on or after September 1, 2005, which is a violation of s. 800.04(5)(b); the subparagraph includes a sub-subparagraph a., providing for imprisonment for life, and a sub-subparagraph b., providing for a split sentence of a term of years followed by probation or community control for the remainder of the offender's life.

Section 116. Paragraph (i) of subsection (1) of section 948.03, Florida Statutes, is amended to read:

948.03 Terms and conditions of probation.--

(1) The court shall determine the terms and conditions of probation. Conditions specified in this section do not require oral pronouncement at the time of sentencing and may be considered standard conditions of probation. These conditions may include among them the following, that the probationer or offender in community control shall:

(i) Pay any application fee assessed under s. 27.52(1)(b) ~~27.52(2)(a)~~ and attorney's fees and costs assessed under s. 938.29, subject to modification based on change of circumstances.

Reviser's note.--Amended to conform to the substantial rewording of s. 27.52 by s. 3, ch. 2005-236, Laws of Florida; the application fee requirement is now in s.

27.52 (1) (b) .

Section 117. Subsection (2) of section 948.061, Florida Statutes, is amended to read:

948.061 Identifying, assessing, and monitoring high-risk sex offenders on community supervision; providing cumulative criminal and supervision histories on the Internet.--

(2) To facilitate the information available to the court at first appearance hearings and at all subsequent hearings for these high-risk sex offenders, the department shall, no later than March 1, 2006, post on FDLE's Criminal Justice Intranet a cumulative chronology of the sex offender's prior terms of state probation and community control, including all substantive or technical violations of state probation or community control. The county jail in the county where the arrested person is booked shall ensure ~~insure~~ that state and national criminal history information and all criminal justice information available in the Florida Crime Information Center and the National Crime Information Center, is provided to the court at the time of the first appearance. The courts shall assist the department's dissemination of critical information by creating and maintaining an automated system to provide the information as specified in this subsection and by providing the necessary technology in the courtroom to deliver the information.

Reviser's note.--Amended to confirm the substitution by the editors of the word "ensure" for the word "insure" to conform to context.

Section 118. Paragraphs (d) and (j) of subsection (1) of

section 948.062, Florida Statutes, are amended to read:

948.062 Reviewing and reporting serious offenses committed by offenders placed on probation or community control.--

(1) The department shall review the circumstances related to an offender placed on probation or community control who has been arrested while on supervision for the following offenses:

(d) Any kidnapping, false imprisonment, or luring of a child as provided in s. 787.01, s. 787.02 ~~782.07~~, or s. 787.025;

(j) Any DUI manslaughter as provided in s. 316.193(3)(c), or vehicular or vessel homicide as provided in s. 782.071 or s. 782.072 ~~787.072~~, committed by any person who is on probation or community control for an offense involving death or injury resulting from a driving incident.

Reviser's note.--Paragraph (1)(d) is amended to correct a reference and conform to context. Section 782.07 relates to manslaughter; s. 787.02 relates to false imprisonment. Paragraph (1)(j) is amended to correct a reference and conform to context. Section 787.072 does not exist; s. 782.072 relates to vessel homicide.

Section 119. Paragraph (b) of subsection (7) of section 1008.25, Florida Statutes, is amended to read:

1008.25 Public school student progression; remedial instruction; reporting requirements.--

(7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

(b) Beginning with the 2004-2005 school year, each school district shall:

1. Conduct a review of student academic improvement plans for all students who did not score above Level 1 on the reading

portion of the FCAT and did not meet the criteria for one of the good cause exemptions in paragraph (6)(b). The review shall address additional supports and services, as described in this subsection, needed to remediate the identified areas of reading deficiency. The school district shall require a student portfolio to be completed for each such student.

2. Provide students who are retained under the provisions of paragraph (5)(b) with intensive instructional services and supports to remediate the identified areas of reading deficiency, including a minimum of 90 minutes of daily, uninterrupted, scientifically research-based reading instruction and other strategies prescribed by the school district, which may include, but are not limited to:

- a. Small group instruction.
- b. Reduced teacher-student ratios.
- c. More frequent progress monitoring.
- d. Tutoring or mentoring.
- e. Transition classes containing 3rd and 4th grade students.
- f. Extended school day, week, or year.
- g. Summer reading camps.

3. Provide written notification to the parent of any student who is retained under the provisions of paragraph (5)(b) that his or her child has not met the proficiency level required for promotion and the reasons the child is not eligible for a good cause exemption as provided in paragraph (6)(b). The notification must comply with the provisions of s. 1002.20(15) ~~1002.20(14)~~ and must include a description of proposed interventions and supports that will be provided to the child to remediate the identified areas of reading deficiency.

3991 4. Implement a policy for the midyear promotion of any
3992 student retained under the provisions of paragraph (5)(b) who can
3993 demonstrate that he or she is a successful and independent
3994 reader, reading at or above grade level, and ready to be promoted
3995 to grade 4. Tools that school districts may use in reevaluating
3996 any student retained may include subsequent assessments,
3997 alternative assessments, and portfolio reviews, in accordance
3998 with rules of the State Board of Education. Students promoted
3999 during the school year after November 1 must demonstrate
4000 proficiency above that required to score at Level 2 on the grade
4001 3 FCAT, as determined by the State Board of Education. The State
4002 Board of Education shall adopt standards that provide a
4003 reasonable expectation that the student's progress is sufficient
4004 to master appropriate 4th grade level reading skills.

4005 5. Provide students who are retained under the provisions
4006 of paragraph (5)(b) with a high-performing teacher as determined
4007 by student performance data and above-satisfactory performance
4008 appraisals.

4009 6. In addition to required reading enhancement and
4010 acceleration strategies, provide parents of students to be
4011 retained with at least one of the following instructional
4012 options:

4013 a. Supplemental tutoring in scientifically research-based
4014 reading services in addition to the regular reading block,
4015 including tutoring before and/or after school.

4016 b. A "Read at Home" plan outlined in a parental contract,
4017 including participation in "Families Building Better Readers
4018 Workshops" and regular parent-guided home reading.

4019 c. A mentor or tutor with specialized reading training.

4020 7. Establish a Reading Enhancement and Acceleration

4021 Development (READ) Initiative. The focus of the READ Initiative
4022 shall be to prevent the retention of grade 3 students and to
4023 offer intensive accelerated reading instruction to grade 3
4024 students who failed to meet standards for promotion to grade 4
4025 and to each K-3 student who is assessed as exhibiting a reading
4026 deficiency. The READ Initiative shall:

4027 a. Be provided to all K-3 students at risk of retention as
4028 identified by the statewide assessment system used in Reading
4029 First schools. The assessment must measure phonemic awareness,
4030 phonics, fluency, vocabulary, and comprehension.

4031 b. Be provided during regular school hours in addition to
4032 the regular reading instruction.

4033 c. Provide a state-identified reading curriculum that has
4034 been reviewed by the Florida Center for Reading Research at
4035 Florida State University and meets, at a minimum, the following
4036 specifications:

4037 (I) Assists students assessed as exhibiting a reading
4038 deficiency in developing the ability to read at grade level.

4039 (II) Provides skill development in phonemic awareness,
4040 phonics, fluency, vocabulary, and comprehension.

4041 (III) Provides scientifically based and reliable
4042 assessment.

4043 (IV) Provides initial and ongoing analysis of each
4044 student's reading progress.

4045 (V) Is implemented during regular school hours.

4046 (VI) Provides a curriculum in core academic subjects to
4047 assist the student in maintaining or meeting proficiency levels
4048 for the appropriate grade in all academic subjects.

4049 8. Establish at each school, where applicable, an Intensive
4050 Acceleration Class for retained grade 3 students who subsequently

score at Level 1 on the reading portion of the FCAT. The focus of the Intensive Acceleration Class shall be to increase a child's reading level at least two grade levels in 1 school year. The Intensive Acceleration Class shall:

a. Be provided to any student in grade 3 who scores at Level 1 on the reading portion of the FCAT and who was retained in grade 3 the prior year because of scoring at Level 1 on the reading portion of the FCAT.

b. Have a reduced teacher-student ratio.

c. Provide uninterrupted reading instruction for the majority of student contact time each day and incorporate opportunities to master the grade 4 Sunshine State Standards in other core subject areas.

d. Use a reading program that is scientifically research-based and has proven results in accelerating student reading achievement within the same school year.

e. Provide intensive language and vocabulary instruction using a scientifically research-based program, including use of a speech-language therapist.

f. Include weekly progress monitoring measures to ensure progress is being made.

g. Report to the Department of Education, in the manner described by the department, the progress of students in the class at the end of the first semester.

9. Report to the State Board of Education, as requested, on the specific intensive reading interventions and supports implemented at the school district level. The Commissioner of Education shall annually prescribe the required components of requested reports.

10. Provide a student who has been retained in grade 3 and

4081 has received intensive instructional services but is still not
4082 ready for grade promotion, as determined by the school district,
4083 the option of being placed in a transitional instructional
4084 setting. Such setting shall specifically be designed to produce
4085 learning gains sufficient to meet grade 4 performance standards
4086 while continuing to remediate the areas of reading deficiency.
4087

4088 Reviser's note.--Amended to conform to the
4089 redesignation of s. 1002.20(14) as s. 1002.20(15) by s.
4090 5, ch. 2004-42, Laws of Florida.
4091

4092 Section 120. Subsection (7) of section 1013.30, Florida
4093 Statutes, is amended to read:

4094 1013.30 University campus master plans and campus
4095 development agreements.--

4096 (7) Notice that the campus master plan has been adopted
4097 must be forwarded within 45 days after its adoption to any
4098 affected person that submitted comments on the draft campus
4099 master plan. The notice must state how and where a copy of the
4100 master plan may be obtained or inspected. Within 30 days after
4101 receipt of the notice of adoption of the campus master plan, or
4102 30 days after the date the adopted plan is available for review,
4103 whichever is later, an affected person who submitted comments on
4104 the draft master plan may petition the university board of
4105 trustees, challenging the campus master plan as not being in
4106 compliance with this section or any rule adopted under this
4107 section. The petition must state each objection, identify its
4108 source, and provide a recommended action. A petition filed by an
4109 affected local government may raise only those issues directly
4110 pertaining to the public facilities or services that the affected

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4111 local government provides to or maintains within the campus or to
4112 the direct impact that campus development would have on the
4113 affected local government. A petition filed by an affected person
4114 must include those items required by the uniform rules adopted
4115 under s. 120.54(5). Any affected person who files a petition
4116 under this subsection may challenge only those provisions in the
4117 plan that were raised by that person's oral or written comments,
4118 recommendations, or objections presented to the university board
4119 of trustees, as required by paragraph (2)(b) ~~s. 1013.30(1)(b)~~.
4120 The university may, during the pendency of a challenge, negotiate
4121 a campus development agreement as provided in subsection (11).
4122

4123 Reviser's note.--Amended to confirm the substitution by
4124 the editors of a reference to paragraph (2)(b) for a
4125 reference to "s. 1013.30(1)(b)," which does not exist.
4126 Paragraph (2)(b) defines the term "affected person."
4127

4128 Section 121. Except as otherwise provided herein, this act
4129 shall take effect on the 60th day after adjournment sine die of
4130 the session of the Legislature in which enacted.